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Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

Combined initial, second and third periodic reports of States parties

Cambodia*

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ROYAL GOVERNMENT OF CAMBODIA

INITIAL, SECOND AND THIRD REPORT

ON

THE IMPLEMENTATION OF THE INTERNATIONAL CONVENTION ON ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN IN CAMBODIA

In conformity with Article 18 of the International Convention on Elimination of All Forms of Discrimination Against Women

October 2003

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Abbreviations

ARI	Acute Respiratory Infection
APHEDA	Australian People for Health, Education and Development Abroad
AUSAID	Australian Agency for International Development
CCPCR	Cambodian Center for the Protection of Child Rights
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CNCW	Cambodian National Council for Women
COHCHR	Cambodia Office of the High Commission for Human Rights
CPA	Complementary Package of Activities
CRS	Catholic Relief Services
DHS	Demographic and Health Survey
EFA	Education For All
ICG	Interim Cambodian Government
IOM	International Organization for Migration
IQ	Intelligence Question
JICA	Japan International Cooperation Agency
KHANA	Khmer HIV/AIDS NGO Alliance
MFA	Ministry of Foreign Affairs and International Co-operation
MoEYS	Ministry of Education, Youth and Sports
MoI	Ministry of Interior
MoJ	Ministry of Justice
MoSALVY	Ministry of Social Affairs, Labour, Vocational Training and Youth Rehabilitation
MOU	Memorandum of Understanding
MoWVA	Ministry of Women's and Veterans' Affairs
MPA	Minimum Package of Activities
NA	National Assembly
PFD	Partners for Development
PRSP	Poverty Reduction Strategy Paper
RCAF	Royal Cambodian Armed Forces
RHAC	Reproductive Health Association in Cambodia
RGC	Royal Government of Cambodia
SCA	Save the Children Fund Australia
UNAIDS	oint United Nations on HIV/AIDS
UNESCO	United Nations Education Scientific and Cultural Organization

UNFPA	United Nations Population Funds
UNICEF	United Nations International Children Fund
UNHCR	United Nations High Commissioner for Refugees
WHO	World Health Organization
WFP	World Food Program
WID	Women in Development
WV	World Vision

Part I

Introduction

1. Cambodia, which once upon a time enjoyed great renown, and a glorious and prosperous civilization, met with horrifying decline in all fields of the country due to a chronic internal war lasting over two decades. The rehabilitation and development process has to go through many phases of considerable complexity difficulties and face many obstacles.

2. Royal Government of Cambodia (RGC) conducted full suffrage elections from 23 to 28 May 1993 under the supervision of the United Nations and then had a heavy burden of rebuilding and developing the country under a system of multiparty liberal democracy.

3. Cambodia ratified the Convention on the Elimination of All Forms of Discrimination against Women on 15 October 1992 without any reservation. This initial, second and third report presented pursuant to Article 18 of the Convention, intends to provide the Committee with an overview of the current status of Cambodian women in the application of the Convention.

I. General Background

(a) Geographic features

4. Cambodia's official name is the Kingdom of Cambodia. Its government is a multiparty system of liberal democracy. Cambodia, with a surface area of 181,035 km^2, is situated in South East Asia in Indochina peninsula.

5. The territory of the Kingdom of Cambodia is divided into 24 provinces/municipalities. Provinces/Municipalities are divided into 185 districts/Khan. Districts/Khan are divided into 1,621 commune/Sangkat with 13,706 villages. Phnom Penh is the capital city of Cambodia.

6. Land is classified into three categories: central plain, mountains and high and coastal land.

7. The weather is tropical monsoon (dry and wet). The average temperature is 27 degrees. During the 1960s, forests covered 73% of the country, which is 13, 227,000 hectares. At present, forests cover 50% to 60% of the country.

(b) Demographic features

8. Cambodia has a population of 12,251,098 inhabitants (2002), of whom 51.8 percent are female and 48.2 percent are male. The annual growth rate is 2.8 percent (2001). 84.3 per cent of the population lives in rural areas and 15.7 per cent in urban areas. The average population density of the country is 64 inhabitants per km^2. Approximately 42.8 per cent of the population is under 15 years of age (boys, 46.6 percent and girls, 41.2 percent), while 53.6 percent are 15- 64 years of age (men, 3.6 percent and women, 4.5 percent) and over the age of 64 is 3.7 percent. Life expectancy for females is 58 and for males is 53 (2000 figure).

(c) Infant mortality

9. In 2000, the infant mortality rate stood at 95 per 1,000, and at 125 per 1,000 for the under-five age group. In 31 per cent of cases, the cause was premature birth, with birth complications accounting for 28 per cent. The main causes of death in the two-to-four year age bracket were respiratory infections (20 per cent), malaria (13 per cent) and diarrhea (16 per cent). Maternal mortality is estimated at 437 per 100,000 live births. Causes of maternal mortality and morbidity are hemorrhage, eclampsia and unsafe abortion and other complications.

(d) Religions

10. Buddhism is the State religion, practiced by 95 per cent of Cambodian citizens. Other religions are also practiced. Citizens have the right to choose religions they desire.

(e) Education

11. Children between 6 and 16 years of age will receive a minimum of 9 years' compulsory schooling. A majority of children proceed to higher secondary schooling for four years, which is not compulsory. Primary and secondary schooling is officially free. In higher education, some poor students receive State scholarships. Currently, the female adult literacy rate at the ages of 15 and above is 57.7 percent and male is 72 percent. (Human Development Report 2002)

(f) Economy

12. Women constitute 65 percent of the economically active population. According to the Human Development Report 2002, the female economic activity rate is 80.4 percent. In addition, 19.6 percent of Cambodian households are headed by women. The World Employment Report 2001 reported that Cambodia has one of the highest female labor force participation rates in the region (73.5 percent). In 2000, the gross domestic product per capita was estimated to be approximately US$ 238, and the rate of inflation in 2002 was 3.2 percent.

II. Political Background Summary

13. Cambodia, once upon a time was a great nation with a glorious and prosperous civilization. However, this renowned, glorious and prosperous civilization has continuously declined following the occurrence of wars and divisions in the country. After gaining independence from French colonialism (1863-1953), Cambodia was under a regime, which adopt a constitutional monarchy with Preah Bath Norodom Sihanouk as the King and the Head of State. During that period, the country enjoyed greater economic growth and cultural prosperity as compared with its neighboring countries.

14. In 1970, General Lon Nol waged a coup d'état to overthrow Preah Bath Norodom Sihanouk and ruled the country as a Republic regime.

From 1975- 1979, Cambodia fell into the hand of the Pol Pot genocide regime, which brought the country's economy and national culture to a zero point and killed millions of innocent Cambodians including students, intellectuals, civil servants, monks and religious practitioners during the period of 03 years, 08 months and 20 days of this tyrannic regime.

15. On 7 January 1979, Cambodia was liberated from the Pol Pot regime but civil war still continued until 1998.

16. In 1988, Cambodian issue was taken into consideration by the international community, which helped push the four warring parties (State of Cambodia, Cambodian People Liberation Front, Coalition Front for an Independent, Neutral and Cooperative and Democratic Kampuchea) to come together at the negotiating table to find a peaceful solution to end the war which had dragged on for years.

17. On 23 October 1991, the International Paris Agreement on Peace in Cambodia was signed by the four Cambodian parties and in the spirit of the agreement, the Supreme National Council was set up with the task of achieving national reunification and reconciliation and to represent the national sovereignty.

The United Nations Transitional Authority in Cambodia (UNTAC) came into existence and was tasked to monitor the implementation of the Agreement and help organize general elections from 23-28 May 1993.

18. On 14 June 1993, a Constituent Assembly was convened to carry out its work under the presidency of Samdech Preah Norodom Sihanouk in his capacity of the President of the Supreme National Council. The Constituent Assembly held its first plenary session to elect its President, First and Second Deputies and, on the same day, formed a committee to draw up a draft of the Constitution.

On 24 September 1993, the Constitution was promulgated. The National Assembly was formed which subsequently gave birth to a Royal Government headed by two joint Prime Ministers.

III. State Structure

(a) State Administering Structure

19. After the general elections in May 1993, State of Cambodia became the Kingdom of Cambodia. The motto of the Kingdom of Cambodia is "Nation, Religion, King."

Cambodia is a Kingdom with Samdech Preah Norodom Sihanouk as the King and the Head of State for life. The King shall reign but shall not govern and shall abide by the Constitution and the principle of liberal democracy and pluralism. The Kingdom of Cambodia is ruled and administered under the separation of powers between the legislative, executive and judiciary.

The three bodies have separate powers and functions defined by law.

(b) State Administrative Form

20. Cambodia is a Kingdom with a King who rules in accordance with the Constitution and to the principles of liberal democracy and pluralism. The Kingdom of Cambodia is an independent, sovereign, peaceful, permanently neutral and non-aligned country (Art. 1 of the Constitution).

The Kingdom of Cambodia is an indivisible state with only one territory, one legislative system, one government, one judicial system and whatsoever cannot be divisible.

The territory of the Kingdom of Cambodia is divided into 24 provinces/municipalities, administered by provincial/municipal governors. Provinces/municipalities are divided into 185 districts/khans, administered by district/khan governors. Districts/khans are divided into 1.621 communes/sangkats, administered by commune/sangkat councils.

(c) State Political Form

21. The Kingdom of Cambodia is a state that adheres to and adopts a policy of liberal democracy and pluralism. Citizens are the ones to choose their representatives by means of universal, free and secret ballot.

The citizens exercise their rights through the National Assembly, Royal Government and courts of all levels.

The citizens exercise their rights through the three supreme powers, namely the executive, legislative and judicial.

The Kingdom of Cambodia guarantees the rights and freedoms of its citizens, and citizens have the right to participate actively in political, economic social and cultural life of the nation.

IV. Form of Government

22. The Prime Minister heads the Royal Government and is a member of the National Assembly. Other members of the Royal Government are chosen from among members or non-members of the National

Assembly, however, they must be members of political parties that have seats in the National Assembly. All members of the Royal Government shall be appointed by Royal Decrees after obtaining votes of confidence from the National Assembly (Art. 5 of the Law on Organization and Functioning of the Council of Ministers.)

Members of the Royal Government are collectively responsible to the National Assembly for the overall policy of the Royal Government.

Each member of the Royal Government is individually responsible to the Prime Minister and National Assembly for his/her own conduct. (Article 121 of the Constitution)

V. Supreme Powers of the State

23. Supreme powers of the State are separated between legislative, executive and judicial powers.

a. Legislative power

24. The National Assembly of the Kingdom of Cambodia is the supreme organ which has the legislative power and this power cannot be delegated to any other institution or individual. The legislative term of the National Assembly is five years.

The National Assembly of the first legislative term, which was established during the UNTAC-sponsored universal, free and fair elections in May 1993, consisted of 120 members coming from four elected political parties, of whom 58 came from Funcinpec, 51 from CPP, 10 from Buddhist Liberal Democratic Party and 01 from Molinaka party.

25. The National Assembly of the second legislative term was from 1998- 2003 through similar universal elections. During the second legislative term, the National Assembly consisted of 122 members, of whom 14 are women.

The National Assembly is led by a Chairman, a first Deputy Chairman and a second Deputy Chairman.

26. In early March 1999, the National Assembly amended the Constitution to form another legislative organ, that is the Senate. The Senate was established with 61 members, including 08 women.

b. Executive power

27. The Royal Government is the executive power. In the Kingdom of Cambodia, the Royal Government is led by one Prime Minister and assisted by Deputy Prime Ministers, and by Senior Ministers, Ministers and Secretaries of State as members.

Members of the Royal Government are collectively responsible to the two legislative bodies for the overall policy of the Royal Government.

Each member of the Royal Government is individually responsible to the Prime Minister and the National Assembly for his/her own conduct.

28. The Royal Government of the Kingdom of Cambodia is a coalition government which is made up of elected political parties and has been implementing a political regime of liberal democracy and pluralism in the spirit of independence, territorial integrity, neutrality and national unity.

c. Judicial power

29. Judiciary is one of the three supreme powers of the State and is the only organ that has judicial power.

Judicial power is an independent power, which guarantees and protects the rights and freedoms of the citizens.

The authority of the Judiciary is granted to the Supreme Court and to the lower courts of all sectors and levels.

30. Courts of the Kingdom of Cambodia are divided into two levels, the first level (lower courts) and the second level (high courts). The courts of the first level are the courts of the first instance known as provincial/municipal courts and military court which are responsible for holding trials and allow for appeals to be filed.

31. Courts of the second level are:

- Appeal Court that has the jurisdiction to adjudicate appeals filed against the decisions of provincial/municipal and military courts by allowing appeals again to be filed.
- Supreme Court that has the jurisdiction to adjudicate appeals filed against the decision of the Appeal Court by taking into consideration only the legal aspects, not the factual aspects of the case. However, both legal and factual will be adjudged in the second appeal. The decision of the Supreme Court is the sovereign decision which means that it cannot be contested except when there is a judicial review as allowed by law.

VI. Overall Jurisdictional Framework of Protection of Human Rights

a. Jurisdictional authority and other organs which have the jurisdiction to respect human rights

32. In the Kingdom of Cambodia, the protection of human rights is a vital task which is being paid attention to by the Royal Government in order to take effective measures to respond to the political stance of the Royal government to implement the principle of liberal democracy. In this spirit, the Royal Government of Cambodia has created an institution of administrative jurisdiction and other organs to prevent the violation of all forms of human rights.

These juridical institutions include:

33. Judiciary Institutions

This organ is the judicial power, which is independent, impartial and protects the rights and freedoms of the citizens.

The judiciary institutions in the Kingdom of Cambodia consists of:

- Provincial/municipal and military courts which are low-level tribunals. Provincial/municipal courts have jurisdiction over the whole territory in the provinces/municipalities. The military court, which is located in Phnom Penh, has the jurisdiction over the whole territory of the Kingdom of Cambodia.
- Appeal Court and Supreme Court are high courts and are located in Phnom Penh and have jurisdiction over the whole territory of the Kingdom of Cambodia.

All the above courts have the duty to rule on all lawsuits, including the administrative ones, in accordance with established jurisdiction and legal procedures, except the military court which has jurisdiction only over military-related offences as determined by law.

34. Commission for the Protection of Human Rights and Receipt of Complaints of the Assemblies (National Assembly and Senate)

This Commission is one of the nine Commissions of the Assembly, which has the duty to protect human rights. On behalf of the Assembly, this Commission works on all complaints of the citizens whose rights have been violated by various individuals.

35. Cambodia Human Rights Committee

Cambodia Human Rights Committee was established in early 2000 by a Royal Decree. It is a body to assist the Royal Government in the development of human rights in Cambodia and is responsible for drawing up the draft of reports on human rights to be submitted to the United Nations.

36. National and International Non-Governmental Organizations

Apart from governmental institutions, there are a large number of non-governmental organizations in Cambodia, working on human rights, actively participating in following up and monitoring the implementation of human rights and providing moral, material and technical assistance to ensure the better implementation of human rights in Cambodia.

b. The protection of human rights through judicial process

37. Every citizen enjoys the rights to protection of their freedoms through judicial process. Every citizen has the right to file complaints with the court in order to defend themselves in case of physical, property, honor abuses or the abuse of their other rights.

Complaints may be lodged directly with the court or other institutions that have the jurisdiction over it.

Every complaint from a citizen, which is made according to legal procedure, is taken into consideration by the court to find a solution, punish perpetrators and give compensation to victims.

38. Human rights as enshrined in international instruments are guaranteed by the Constitution and other laws of the Kingdom of Cambodia. Noticeably, no provision of the Constitution and laws of the Kingdom of Cambodia contradict the principle of human rights as enshrined in the International Instruments.

Any other provisions, which are stipulated in some international instruments and are not yet applied fully and vigorously as a basis to protect human rights before the court and administrative authority, are incorporated in the legislation of the State as a crucial legal basis to protect human rights in Cambodia.

39. Prosecution offices attached to the courts at all levels have the duty to monitor the violation of human rights. Judicial and prosecution system has a specific mechanism to monitor and prevent abuses committed by competent authorities.

40. As of July 2003, there were 126 judges (12 females), working in the courts at all levels and 07 judges (02 females) are working in the State institutions. There are 64 prosecutors and deputy prosecutors (01 female) working at the prosecution offices of all levels.

41. The Supreme Council of Magistracy is an institution to oversee judges and prosecutors in the Kingdom of Cambodia and has the duty to propose to appoint, transfer, and impose disciplinary sanctions, and to promote judges and prosecutors.

The King is the President of the Supreme Council of Magistracy and is the guarantor of the independence of the judiciary. The King has the duty to issue Royal Decrees to appoint and transfer judges and prosecutors.

42. There is also another supreme institution in the Kingdom of Cambodia, that is the Constitutional Council (Constitutional Court), which has the jurisdiction to decide the constitutionality of the law and legality of parliamentary elections.

43. As authorized by the Royal Government, the Cambodia Office of the United Nations High Commissioner for Human Rights in Cambodia (UNCOHCHR) has contributed to monitoring the violation of human rights including women's rights and to carry out activities relating to the protection of human rights in the country. In November 1993, the Secretary-General of the United Nations appointed a Special Representative for Human Rights in Cambodia to maintain contact with the Cambodian people and assist the Royal Government of Cambodia in the promotion and protection of human rights.

44. In cooperation with the UNCOHCHR, the Royal Government of Cambodia has organized a series of training courses on human rights and women's rights for civil servants, police, and Cambodian Royal Armed Forces. The goal of this training is to prevent and eliminate violations of human rights and women's rights of all kinds.

45. Besides, there are a large number of non-governmental organizations that have actively collaborated and expressed goodwill in eradicating all forms of discrimination against women and further upgrading the status of women so that they enjoy their rights fully and equally as men do. These organizations also undertake to help people gain a better understanding of the law and greater awareness of their rights. They assist victims in filing complaints with the concerned authority and in the courts.

46. Other international organizations such as the United Nations Educational, Scientific and Cultural Organization (UNESCO), the Office of the United Nations High Commissioner for Refugees (UNHCR), the International Labor Organizations (ILO), World Vision International (WVI), the International Committee of the Red Cross (ICRC), the International Federation of the Red Cross and Crescent Association, the European Union, also have offices in Cambodia and actively participating in the protection of human rights and a culture of peace. The United Nations Children's Fund (UNICEF) is especially active in protecting the rights of women and children.

47. The Kingdom of Cambodia is party to various international human rights instruments (see Annex 1) such as International Convention on the Elimination of All Forms of Racial Discrimination; Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; Convention on the Elimination of All Forms of Discrimination against Women; Convention relating to the Status of Refugees; Convention on the Rights of the Child; Protocol relating to the Status of Refugees; International Covenant on Civil and Political Rights; International Covenant on Economic, Social and Cultural Rights; Supplementary Convention on the Abolition of Slavery, the Slave Trade and Practices Similar to Slavery; Optional Protocol on the Right's of the Child on the Sale of the Children and Child Prosecution and Child Pornography.

48. The Royal Government has already signed the Optional Protocol to CEDAW. The Royal Government of Cambodia is also party to ILO Convention on Night Work (Women) Convention, 1999; Forced Labour Convention 1930; Equal Remuneration Convention, 1951; Discrimination (Employment and Occupation) Convention, 1958; Rights to Organize and Collective Bargaining Convention,1949; Freedom of

Association and Protection of the Right to Organize Convention, 1948 and Minimum Age Convention, 1973.

49. Domestic Implementation of International Treaties

Paragraph 1 of Article 31 of the Constitution of the Kingdom of Cambodia states that " the Kingdom of Cambodia shall recognize and respect human rights as stipulated in the United Nations Charters, the Universal Declaration of Human rights, the covenants and conventions related to human rights, women's rights and children's rights." This means that all the rights as stated in the international human rights covenants are protected by the Constitution of the Kingdom of Cambodia and all principles of the international covenants and conventions take precedence over domestic law.

Information and Publicity

50. The Royal Government of Cambodia has disseminated information on various human rights instruments and legal provisions on human rights that have been ratified. The Ministry of Women and Veteran's Affairs, which is a body of the Royal Government, has cooperated with NGOs and human rights groups to undertake specific programs to raise awareness on the CEDAW Convention among citizens of Cambodia.

51. UNCOHCHR has translated the Convention into Khmer for dissemination among policy makers, line ministries and NGOs. The purpose of this dissemination is to allow every woman to acquire a wide range of knowledge and ensure that she can exercise her rights and freedoms.

52. Efforts in disseminating information to citizens, especially rural women, is limited.

Participation of NGOs in Implementing CEDAW Convention

53. Non-Governmental Organizations are playing an increasingly active and important role in the implementation of the CEDAW Convention in Cambodian Society. Their activities include micro credit programs, non-formal education, vocational training, income generating activities, literacy programs, training in leadership and participation in elections and meetings, health services, rights awareness, gender sensitization, advocacy on law and policy reform and training.

54. A Cambodian NGO Committee was created in 1995 to monitor and to facilitate the Royal Government of Cambodia's implementation of the CEDAW Convention in order to contribute to the improvement of gender equality. This committee has presently 62 members, that have been working to implement the CEDAW Convention and have also prepared reports on the status of the implementation of this Convention.

Steps taken to implement various international declarations in relation to women

55. The Royal Government of Cambodia has paid strong attention to the promotion of women's rights and the eradication of all forms of discrimination against women by setting out in its policy and including it in the implementation of its development programs.

The implementation of women's development programs is a vital task for the Royal Government in which the Ministry of Women's and Veterans' Affairs and the Cambodia National Council for Women are the national mechanisms. They are responsible for drawing up plans to implement the policy of the Royal Government as well as the international conventions, declarations and resolutions to which Cambodia is party.

56. Three major Declarations, that is the Beijing Platform for Action, Durban Declaration and Madrid Declaration, are paid vigorous attention by MoWVA and CNCW in order to transform these three Declarations into an actual program or action plan.

57. The MOWVA, which is the national mechanism of the Royal Government, has realistically set out a five-year strategic plan (1999- 2003), known as Neary Ratanak. This plan has been approved by the Royal Government to ensure its effective implementation.

58. Neary Ratanak is focused on four priority fields for the conduct of basic activities: Education, Health, Empowerment of Women in the Economic Sector and Legal Protection.

These four priority fields include measures to implement the above three Declarations, especially the Beijing Platform For Action.

In the implementation of the above four fields, the MoWVA has cooperated with national and international NGOs, as well as donors and the international community.

Part II

Basic Provisions of the Convention

Article 1

For the purpose of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

59. The Kingdom of Cambodia acceded to and ratified the Convention on Elimination of All Forms of Discrimination Against Women (CEDAW) on 15 October 1992 and recognized this Convention without reservation as stated in Article 31.1 of the Constitution of the Kingdom of Cambodia that " The Kingdom of Cambodia shall recognize and respect human rights as stipulated in the United Nations Charter, the Universal Declaration of Human Rights, the Covenants and Conventions related to human rights, women's and children's rights."

60. Following its ratification as stated above, the Kingdom of Cambodia has not yet defined the term " discrimination Against Women" in its laws. However, the substance as stated in Article 31.1 of the Constitution of the Kingdom of Cambodia accepts the definition of the term "Discrimination Against Women" as stipulated in the CEDAW Convention for its implementation on the basis of equality between men and women.

61. Based on the definition of the term "Discrimination Against Women" as determined in the international Convention, the Royal Government of Cambodia undertakes to provide fundamental freedoms in political, economic, social, cultural and other fields to women in order to ensure equality with men. Therefore, the definition of "discrimination against women" as stated in the CEDAW Convention of the United Nations is the basis for implementing and determining all legal documents for the purpose of development of Cambodia in all fields.

62. According to the above definition, Article 45.1 of the Constitution states that " all forms of discrimination against women shall be abolished." The substance as determined in this Constitution has sufficient meaning in abolishing " any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field."

63. In practice, the Royal Government of Cambodia uses the above said definition as a basis to draw up legal documents and laws to ensure that women enjoy equal rights as men in all fields without any distinction, exclusion or restriction imposed on women.

64. The definition of the term "discrimination against women" is recognized and used in laws and legal documents on a basis of equality between men and women but in practical action there are some loopholes dependent on the fields.

65. Paragraph 2 of Article 36 of the Constitution states that " Khmer citizens of either sex shall receive equal pay for equal work."

The 1997 Labor Law provides for equal pay between men and women for doing the same work. However, in reality it is often the case that women receive lower pay than men for doing the same job in some cases, especially in construction work, female workers often receive less pay than men for doing the same job.

66. The Royal Government of Cambodia has strived to launch educational campaigns in order to raise greater awareness on equality between men and women in receiving the same pay for doing the same job to abolish gradually any distinction on the basis of sex. At the same time, many trade unions have been created in factories and enterprises to protect workers' rights and to ensure equality between men and women.

Obligation to Eliminate All Forms of Discriminations Against Women

Article 2

State Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

(a) to embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;

(b) to adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;

(c) to establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;

(d) to refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;

(e) to take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;

(f) to take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women.

(g) to repeal all national penal provisions which constitute discrimination against women.

67. In conformity with Article 1 of this report, the Kingdom of Cambodia condemns offences relating to the discrimination against women as defined in the above definition. The Royal Government has embodied the principle of elimination of all forms of discrimination against women in its legislative policy and regulations and in practical actions to ensure equal rights between men and women.

Paragraph "A"

68. To carry out activities to eliminate all forms of discrimination against women, the Kingdom of Cambodia has incorporated the principle of equality of men and women in its Constitution and other laws as implementing means and measures to guarantee equal rights between men and women.

69. Article 45.2 of the Constitution states that "men and women are equal in all fields, especially in marriage and matters of the family." This is the joint principle, which refers to equality between men and women. In addition, there are other principles which are determined in the Constitution:

Article 31.1: Equality before the law;

Article 34: Equality to stand as candidates for the election and to vote;

Article 35: Equality to participate in the political, economic, social and cultural life;

Article 36: Equality to choose employment and to receive severance pay;
Equality to obtain social security;
Equality to form and to be members of trade unions.

70. Apart from the Constitution, the Kingdom of Cambodia has also embodied the principle of equality of men and women in other laws. The incorporation of the principle of equality between men and women in the laws means that every legal provision must be non-discriminatory against women and, in addition, it must conform with the principle of non-discrimination against women as stipulated in the Constitution.

71. As far as the above case is concerned, there is an institutional body in the Kingdom of Cambodia, known as the Constitutional Council, which has the role to examine the constitutionality of the laws. Any provision of a law, which is declared by the Constitutional Council to be inconsistent with the Constitution cannot be promulgated or be applicable. Therefore, every legal provision must be non-discriminatory against women if not it contradicts the spirit of the present Constitution (Article 45).

Paragraph "B"

72. In the Kingdom of Cambodia, there is no law which identifies offences and punishments imposed on acts of discrimination against women.

The Transitional Criminal Law, which is currently in force, does not have any provision which mentions offences of discriminating against women. Article 61 of this Law states only about the incitement to nationality, race, religion's discrimination, national, racial or religious hatred.

73. According to the Constitution and the CEDAW, the Ministry of Justice has been examining and modifying the Draft Criminal Code, which states about offences relating to gender discrimination which is said to be direct discrimination against women.

74. The Draft Criminal Code, provides for punishments in cases where gender-discrimination takes place in regard to a number of issues as follows:

Article 261: Condemns offences of refusing to give property or services;

Article 262: Condemns offences of providing property or services but attaching conditions;

Article 263: Condemns offences of refusing to hire;

Article 264: Condemns offences of providing job attached with conditions;

Article 265: Condemns offences of dismissal or exclusion of any person based on sex;

Article 266: Condemns any public civil servant or military officer, who refuses any person their enjoyment of any right.

75. The Royal Government of Cambodia will submit this Draft Criminal Code for approval in the National Assembly and the Senate soon in order to enable the provisions on condemnation against offences of discrimination against women to be applicable.

76. Apart from the Draft Criminal Code, the Royal Government continues to do its best to draw up other legal provisions to conform with the spirit of the Constitution and the provisions of the CEDAW Convention.

77. The Kingdom of Cambodia considers the CEDAW Convention as a fundamental legal basis for implementation, which takes precedence over laws in Cambodia. This means that the legislation relating to women's rights must be based on the principle of equality as stated in this Convention.

78. The Royal Government of Cambodia has created the Ministry of Women and Veteran's Affairs (MOWVA), which has administrative structures extended to provinces and districts across Cambodia, as well as setting up a Cambodian National Council for Women (CNCW) as a coordination and advisory mechanism for the Royal Government on issues relating to promote the status, role and social welfare of Cambodian women for the purpose of reducing and abolishing all forms of discrimination and violence against women.

Paragraph "C"

79. Article 39 of the Constitution states that " Khmer Citizens shall have the right to denounce, make complaints or file claims against any breach of the law by the State and social organization or by members of such organization committed. The settlement of complaints and claims shall reside under the competence of the courts."

80. According to the substance of Article 39 of the Constitution, women, who are victimized by the violation of their rights, has the right to file complaints with a competent court.

The courts in the Kingdom of Cambodia have the jurisdiction to settle all kinds of lawsuits. (Article 128.3 of the present Constitution).

81. In case of discrimination, even the use of violence against women which causes danger or the loss of any benefit, the victimized woman may file a complaint with competent courts as that act is considered a criminal offence such as insult, rape, battery with injury, manslaughter, and sexual harassment etc.

82. In the Kingdom of Cambodia, there is a Bar Association, which is permitted by the Royal Government to defend cases in the courts according to its roles and duties as determined by law. The Bar Association is an organized legal assistance body where there are currently 181 practicing lawyers, including 29 women.

83. In addition, there are also a number of NGOs, working to provide legal assistance, wherein lawyers are paid to help defend poor victims and accused. Most cases defended by those NGOs have an effect on the rights and freedoms of women and violence against women.

84. Through the Bar Association and NGOs mentioned above, victimized women may seek the service of lawyers to defend themselves or through some women's organizations that can help seek legal support for them. In this case, if the female victims are poor, this legal assistance is provided free of charge.

85. Although, the service of legal defense is provided free of charge by groups of lawyers, it does not meet the actual demand, because there is only a small number of lawyers who volunteer to provide free legal defense, especially in remote provinces/municipalities where it is difficult to find lawyers because they are not willing to live there because their earnings there are limited. In addition, both NGOs and the Bar Association do not have sufficient budgets to pay the lawyers who provide free legal defense to the poor.

86. To help solve these problems, Samdech the Prime Minister Hun Sen has provided some money to the Bar Association to support the provision of free legal defense to the poor. At the same time, the Prime Minister has also made an appeal to a number of the government's dignitaries to help support this area to ensure its continuous functioning.

Paragraph "D"

87. The present Constitution prohibits acts of discrimination against women (Article 45). Therefore, even though there is no law to categorize acts of discrimination as offences to be punished, Article 45 of the Constitution does not allow any conduct of discrimination against women because the Constitution is the supreme law that must be respected and abided by the citizens as stated in Article 49.1 that "Every Khmer citizen shall respect the Constitution and laws."

88. The Royal Government of Cambodia has tasked the MoWVA to enable women to develop themselves in all activities. With this task, the MoWVA is a national mechanism to monitor all acts committed against women in order to draw up a principle to denounce the discrimination against women.

89. In the development of women and equal rights with men and to avoid all forms of discrimination, the Royal Government has created another top national institution known as "Cambodian National Council for Women (CNCW)." The council is led by Samdech Preah Reach Akak Mohesei Norodom Monyneath Sihanouk as the Honorary President, Samdech Hun Sen, the Prime Minister of the Royal Government of Cambodia, as the Honorary Deputy President and H.E. Mrs. Mu Sochua, the Minister of Women's and Veteran's Affairs, as the President.

90. CNCW is a top national mechanism to monitor and follow up on the implementation of the CEDAW Convention and to draw up policy, principles and other measures including monitoring to ensure equality and to abolish all forms of discrimination against women.

91. To help women to obtain legal protection, the MoWVA, in cooperation with some NGOs, has conducted training and information dissemination courses on law for women working in ministries, municipal and provincial departments, as well as in communities, to raise their awareness on criminal law, marriage and family law, contract law, out-of-contract responsibilities and law on judicial system etc. This dissemination of information is limited, and is not yet conducted widely across the country.

    The MoWVA in cooperation with various institutions, national and international NGOs, as well as private companies, has organized the International Woman's Day on March 08 every year in the city and rural areas.

Paragraph "E"

92. In conformity with Article 45 of the Constitution (which prohibits discrimination against women), the Kingdom of Cambodia has adopted appropriate measures to ensure better application of Paragraph "E" of Article 2 of the present Convention.

93. The measure taken primarily by the Kingdom of Cambodia is to give equal rights to women and men in all fields and perspectives, such as in political, civil, economic, social and cultural fields, as stated and determined in the Constitution which is the supreme law of the country.

94. The principle of equality of men and women in this supreme law is a fundamental basis for the adoption of measures to abolish discrimination against women in all sectors of the State and private institutions.

Paragraph "F"

Nullification of Laws, Provisions, Customs and Practices, which are discriminatory against women

95. The Kingdom of Cambodia has provided equal rights to women and men in all fields as determined in Article 45 of the Constitution. This shows that Cambodia has adopted measures for change, nullification of laws, customs and practices, which are discriminatory against women.

96. Given Article 45 of the Constitution as a basis, any laws and provisions which are discriminatory must be automatically null and void and to that end, Article 158 of the Constitution says that "Laws and standard documents in Cambodia that safeguard State properties, rights, freedom and legal private properties and in conformity with the national interest, shall continue to be effective until amended or abrogated by new texts, except those provisions that are contrary to the spirit of this Constitution."

97. The above case is guaranteed by the Constitutional Council which has the jurisdiction to examine the constitutionality of the laws as stated in Article 142 of the Constitution that "Provisions in any article ruled by the Constitutional Council as unconstitutional shall not be promulgated or implemented. The decision of the Constitutional Council is final."

98. Any provision of law which puts an end to discriminations against women constitute a proper measure to change discriminatory customs such as:

- Marriage and Family Law which has led to the change of many traditions to empower women in choosing their marriage partner and in building happiness;
- Land Law which has given the right to women to be owners of immovable property on the same basis as men.

99. The MoWVA has conducted a study which has found that domestic violence has a serious effect on women. Based on its findings, the MoWVA has drawn up a draft Law on the Prevention of Domestic Violence and the Protection of the Victims that will be adopted by the National Assembly soon.

Paragraph "G"

Nullification of any provision which is discriminatory against women

100. The Kingdom of Cambodia has abrogated all provisions of the Criminal Law, which are discriminatory against women by not allowing to exist any deprivation of rights or discrimination against women.

101. The principle of elimination of discrimination against women is determined in the Constitution, which takes precedence over laws. However, criminal provisions which determine act of discrimination against women as punishable offences have not been drawn up, making the implementation of the principle of elimination of all forms of discrimination against women not fully effective.

102. Discriminatory provisions of the Criminal Law against women are automatically abrogated under Articles 45 and 158 of the Constitution. Any provision of the Criminal Law of the Kingdom of Cambodia, which is discriminatory against women, no longer exists. At the same time, there is also a chapter in the Draft Criminal Code which is being examined and edited by the Ministry of Justice, which provides for punishment against discriminatory offenses. The drawing up of this draft is based on international covenants and conventions which have been ratified by Cambodia.

103. Provisions which categorize gender related discrimination as offences punishable by a prison term are being incorporated into the Draft Criminal Code which will be submitted to the National Assembly for approval soon.

Legal measures and provisions to ensure the development of women

Article 3

State parties shall take in all fields, in particular in political, social and economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

104. The Kingdom of Cambodia has given equal rights in all fields to men and women as determined in Article 35 of the Constitution that "Khmer citizens of either sex shall have the right to participate actively in the political, economic, social and cultural life of the nation".

105. The above provision of equal rights has the objective to enable women to exercise their rights and freedoms, which are fundamental to their full development and advancement in all fields of the nation.

The fundamental rights and freedoms are determined in the Constitution of the Kingdom of Cambodia from Articles 31 to 50.

106. The provision of the Constitution as said above is a key legal measure to be used as the main principle for drawing up and adopting various measures to ensure its proper implementation and functioning for the advancement of women.

107. Stemming from the fundamental principle as determined in the Constitution and according to the CEDAW Convention as determined in Article 31 of the Constitution, the Royal Government of Cambodia has set out legal measures over time to ensure that women in practice enjoy rights and freedoms in all fields, especially in political, economic, social and cultural fields.

108. Major laws, which were adopted by the National Assembly of the Kingdom of Cambodia, have been and are being implemented and are related to the protection and promotion of equal rights between men and women, include:

- Immigration Law (26-08-1994)
- Law on Demonstration (21-12-1994)
- Law on Investment (04-08-1994)
- Co-statute on civil servants (21-10-1994)
- Law on Political Parties (28-10-1997)
- Law on Election of the National Assembly
- Law on Statutes of Lawyers (15-06-1995)
- Law on Press Regime (18-07-1995)
- Law on Chamber of Commerce of Cambodia (16-05-1995)
- Law on Commercial Rules and Registry (03-05-1995)
- Law on Pension Regime for retired and disabled members of the RCAF (18-10-1995)
- Law on Suppression of Kidnapping, Sale and Trafficking of Human Beings (29-02-1996)
- Law on Drug Control (09-12-1996)
- Labor Law (1997)
- Land Law (30-08-2001)
- Abortion Law (06-10-1997)

109. According to Article 158 of the 1993 Constitution, there are a number of other laws which are important to be implemented to meet the principle of equality between men and women such as:

- Marriage and Family Law (20-07-1989)
- Law on the Implementation of Civil Verdict (06-04-1992)
- Transitional Criminal Law (1992)
- Law on Judicial System (1993)
- Law on Criminal Procedures (1993)

110. Apart from the above laws, to ensure the protection, development and advancement of women based on the equality between men and women, there are other legal documents adopted by the Royal Government such as Sub-decrees, Circulars and Prakas .etc.

111. Prakas No. 217 BrK dated 03 March 1998 of the Ministry of Interior has determined that detained women shall have separate rooms from men and shall have female agents to protect and oversee them.

112. To develop and advance women and to ensure that they exercise and enjoy fundamental rights and freedoms on the basis of equality between men and women, the Royal Government has set out systematic strategies in which women are empowered to participate in development.

113. Based on this vision, the Royal Government has adopted a 5-year Socio-Economic Development Plan (2001- 2005) and set out a triangle strategy to be implemented to enhance economy, social, cultural development and utilize natural resources and environmental management sustainably.

114. In the above vision, the Royal Government has a plan to enhance professionalism and productivity skills of women in urban and rural areas based on the provision of basic education, elimination of illiteracy, vocational training, enhancement of health care services and nutrition.

115. In practice, the Royal Government has tasked the MoWVA, as well as CNCW, to adopt various action plans and programs. The MoWVA has implemented a 5-year plan, known as "Neary Ratanak", in which the emphasis is on building up women's capacity and focusing on priority fields, such as education, health, legal protection and economic development.

116. To achieve "Neary Rattanak" by moving toward equality between women and men, the MOWVA has cooperated with national and international NGOs to mainstream gender in the Government and private institutions and in local communities. The Ministry, which plays the most active role, is the Ministry of Education, Youth and Sports.

117. The Royal Government has been implementing reform programs in all fields, especially in the judicial reform and has made sure that there is no obstacle in the development and advancement of women to enjoy equal rights with men.

118. Although considerable efforts have been made, the adoption of legal and administrative measures, as well as the implementation of these measures, have not always been appropriate and fully effective. Gender mainstreaming in public institutions is limited, not deeply accepted and gender issues are not deeply understood.

119. Inactivity has resulted from the limited understanding of Khmer citizens in general. Gender issues are not deeply understood. The recognition of women's capability remains poor. Overall, the enforcement of law is still weak, which is the reason why the adopted measures are not very effective.

120. Due to such deficiencies, the Royal Government is carrying out a reform program on a major issue, which is administrative reform in which it is attempting to change the ideas and implement procedures of public and private institutions and reform the legal and judicial system to ensure security for women.

Special Measures

Article 4

1. *Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.*

2. *Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.*

121. The Kingdom of Cambodia has recognized equal rights between men and women by empowering women with all the rights by means of a legal recourse as stated in the present Constitution. The provision of rights to women through a legal recourse is aimed at allowing women to exercise human rights fully and enjoy their roles in political, economic, social and cultural fields as men do.

Paragraph 1

122. In the above spirit, the Royal Government of Cambodia has strived to work out and adopted all appropriate measures in order to urge women to exercise their rights equally. In so doing, the Royal Government of Cambodia has recognized the temporary special measures as determined in Article 4 of the CEDAW Convention and does not consider such measures discriminatory.

123. The Constitution of the Kingdom of Cambodia has also had a special provision for implementation:

- Article 73 states that " The State shall give full consideration to children and mothers. The State shall establish nurseries, and help support women with many children who have inadequate support.
- Article 46.3 states that " The State and society shall provide opportunities to women, especially to those living in rural areas without adequate social support, so they can get employment, medical care, and send their children to school, and to have decent living conditions."

124. In the above spirit of the Constitution, the Co-statute on Civil Servants of the Kingdom of Cambodia has given preference to women in case of the selection for employment. Point 6 of Article 11 states that " members of minority groups and those living in remote areas and women may be given priority and convenience."

125. The Ministry of Education, Youth and Sports has outlined a special policy to help female students in selection to the next stage of education, if the scores are the same between females and males, preference will be given to female students.

126. The Law on Pension Regime for retired and disabled members of the RCAF has given preference to female over male soldiers in terms of receiving:

1. inimum and maximum pension regime;
2. Pension regime defined for the loss of work capacity.

The preference as defined in this Law is that the conditions set for women are lighter than for men.

127. The above special measures are not considered by Cambodia as discrimination between men and women but a measure to guarantee that women enjoy advantages from equal rights at the present stage. Based on this principle, the Royal Government has also paid its attention to building dormitories for female students.

128. The Royal Government of Cambodia has strived to lay down various special measures in order to make sure that women enjoy their rights and freedoms fully, for example, it has recently created commune/sangkat-based Women and Children's Committees and required women to be members of this Committee. In case there is no female member in any commune/sangkat council, the Ministry of Interior and MoWVA are authorized to select a woman for the Committee. Among three leaders of villages (1 Chief, 1 Deputy Chief and 1 Assistant), the Royal Government has determined that one of them is female whereas in Village Development Committees, 40% must be female. The key issue, which is paid attention to by the Royal Government, is the creation of the Ministry of Women's and Veteran's Affairs (MOWVA) and the Cambodian National Council for Women led by Samdech Preah Reach Akak Mohesei Norodom Monineath as the Honorary President. These institutions have the duty and responsibility for the development of women.

129. Even though efforts were made to adopt special measures, special measures have not yet been translated widely into practical action, which means that results are low, making the process of the advancement of women to be slow and full equality with men cannot be achieved in all fields given the present circumstances.

130. The main obstacles result from the lack of deep understanding of the adoption of special measures as defined in the provisions of the present Convention. The adoption of temporary special measures remains an issue for discussion and as yet been clear in people's minds since some emphasize the weak ability of women as a reason that women cannot do their job in equal basis with men. The actual effect of these measures has not yet been studied, not surveyed, monitored and not effective yet. The Royal Government has just started to use this special plan as a pilot within a small and low-level framework such as in village, commune/sangkat levels. In other words, such plan has not yet been introduced in the central administrative level.

131. Although, some problems have been encountered from the adoption of special measures to accelerate the de facto equality between women with men, the Royal Government of Cambodia has encouraged, through the MoWVA, the citizens living in urban and major populous areas to have better understanding of the issue of equality by setting out a strategy to mainstream gender issues in Government and private institutions. At the same time, gender-mainstreaming has also been embodied in the Seila program, a program designed for the development of villages and communes.

Paragraph 2 Measures aimed at protecting maternity are not considered discriminatory

132. The Kingdom of Cambodia has recognized maternity as an indispensable social function and must be given special attention in order to achieve better results and to ensure the advancement of women and children.

133. The Royal Government does not consider measures taken to protect maternity discriminatory. It has laid down various measures to protect maternity and to ensure its better implementation.

134. The protection of maternity in the Kingdom of Cambodia is defined in Article 46.2 of the Constitution which states that "Women shall not lose her job because of pregnancy. Women shall have the right to take maternity leave with full pay and with no loss of seniority and other social benefits."

135. Based on the above principle, the Kingdom of Cambodia has adopted legal measures to protect maternity by not considering them discriminatory. Measures adopted to protect maternity are mentioned in the 1997 Labor Law, from Articles 182 to 187.

Article 182: determines that women are entitled to maternity leave of 90 days in labor and do light work for two months after the maternity leave and the employer is prohibited from laying off women during maternity leave.

Article 183: determines that women, who take maternity leave, are entitled to half of their wages and other perquisites, if any.

Article 184: determines that women, who have small children, are entitled to one hour per day to breast-feed their children.

Article 185: determines that breaks for breastfeeding must not be deducted from normal breaks.

Article 186: determines that managers of enterprises employing a minimum of one hundred women shall set up a nursing room and a day-care center for children.

Article 187: determines that the nursing room and a day-care center shall be supervised and made sure that they are free from unhygienic problems.

136. At public institutions, the Royal Government allows women to take 3 -month maternity leave during child-delivery with full pay.

Overall, all measures aimed at protecting maternity are not considered discriminatory. The Royal Government considers the protection of maternity a crucial social function.

MODIFICATION OF SOCIAL CULTURAL PATTERN OF CONDUCT

Article 5

States Parties shall take all appropriate measures:

(a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;

(b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

Purden on Women according to the custom and tradition

137. The Kingdom of Cambodia has a custom and tradition where a burden has been strictly imposed on women in the social and cultural fields. A traditional code of conduct (Chbab Srey) for women's lives has become a wall denying the rights and freedoms of women leading to inequality between men and women in social and cultural fields.

138. Daughters have to live under strict direction of parents based on an old saying, "A cake is never bigger than the pot" that puts emphasis on selecting a partner for marriage. This means that daughters have little right to protest against arranged marriages. The selection of a partner for marriage is subject to the arrangement of the parents. After marriage, women are under the direction of their husbands.

139. Daughters receive less education and often only complete primary school, because their parents believe that the most important duty of women is the know-how to make their husbands happy and be good at household work such

as cooking and looking after children. Sons are provided with more opportunities for study because of higher status than girls. Therefore, daughters are not encouraged or supported by their parents to get higher education.

140. In much earlier times, there was a custom within Cambodian society that women were the heads of the household. The wife was a respected member of the household who resolved family and social problems and had much influence over her husband. This power and prestige was reinforced by the practice that land was handed down to daughters as inheritance and by the fact that a husband would often go to live in the house of his wife's family so as to show the virtue to his wife's family with satisfactory manner before marriage.

141. Even though the customs have considered the women as heads of the family, but after that custom and practice in Cambodian society have gradually made women inferior to men and no equality between men and women. They are expected always to devote to their husbands and never dispute their opinions.

Paragraph *A*

The measures taken to modify social and cultural pattern of conduct

142. The Royal Government of Cambodia has made efforts to gradually modify these old and uncivilized patterns of conduct and practice through education based on the implementation of law. The Ministry of Women's and Veterans' Affairs has an important role to coordinate the policy of the Royal Government's Action Plan and has made efforts to draft the Law on Prevention of Domestic Violence and Protection of Victims, which was submitted by the Royal Government to the National Assembly for adoption. The important measures taken are as follows:

1- Household work is recognized as valuable as outside work

143. The Constitution, Article 36.3 provides that "The work by housewives in the home shall have the same value as what they can receive when working outside the home". This is an effort to eliminate old patterns of conduct, which look down on the women's household work and to recognize women's contribution inside the house to family productivity and to promote behavioral change in men to recognize the role of women within the family, as well as in the society.

2- Freedom to choose partners in marriage

144. The Constitution, Article 45 provides that "Men and women are equal in all fields especially in marriage and matters of the family. Marriage shall be conducted according to conditions determined by law based on the principle of mutual consent between one husband and one wife". This basic principle aimed at making behavioral change in social and cultural fields, especially in marriage and family, to eliminate the practices that deny the freedom of women or men in choosing his/her partner and the marriage.

145. To start from the principles of the Constitution as related above, the Royal Government has set out measures to implement the exercise of rights of men and women in full freedom in determining marriage and family based on the basis of equality between men and women. Law on Marriage and Family, Article 4, provides that "A man and woman reaching legal age have the right to self-determine the marriage". One party may not force another party to a marriage against his/her will. No one can be forced to marry or prevented from having marriage as long as such marriage is in compliance with standards provided by this law.

Paragraph B

Maternity is recognized as a social function

146. In the Cambodian family, maternity is a function that attracts much attention from people. The Royal Government of Cambodia considers maternity to be a social function by determining that maternity and child care contributes to educating and caring for children who are the hopes for the future to ensure that they are healthy, intelligent,

educated, capable and moral-based to serve the nation, allowing women to vigorously participate in production and other activities in society.

The Constitution, Article 73, provides that "The State shall give full consideration to children and mothers. The State shall establish nurseries and help support women and children who have inadequate support".

- Common responsibility of parents in taking care of and educating children

147. Educating children is a common duty of the society and family and the obligation of both parents. The 1993 Constitution, Article 47, paragraph 1 provides that: "Parents are obliged to feed, care and educate their children to become good citizens." Article 115 of the Law on Marriage and Family states that "Parents have the obligation to love, raise and educate their children, that is, train them to cultivate the idea of study, patriotism, having a sense of international solidarity and respect for the State property, rights and properties of others".

Education and Awareness Program

148. Ministry of Education Youth and Sports includes education on Human Rights, Gender, Miscellaneous Rules, Civil Knowledge, Protocol, Decency, Morality and Buddhism in its curriculum and educational books from the primary up to the upper-secondary levels (Social Studies Books).

149. The Ministry of Education Youth and Sports has created a campaign for education and dissemination of human rights across the country and had designed a curriculum for community education for students' parents and local authorities, to make them aware of the value of education and human rights.

150. The Royal Government of Cambodia supports and mainstreams gender programs into its national policy programs. It selected the Ministry of Education Youth Sports as the priority and lead agency in national development, because of the important role of this ministry for human resource development.

151. The Ministry Women's and Veterans' Affairs and Non-Governmental Organizations have extended their education programs through short training courses and workshops to further raise understanding about maternal functions in society and to make parents aware that educating children is a common duty of the family and society.

Obstacles

152. Customs and practices have been gradually modified in urban areas and among educated people. However, customs and practices have deeply rooted in Cambodian society until this present time. Therefore, it will need quite a long time to make changes of uncivilized customs and practices, especially at the rural areas where many people are living.

- The legal rules have not been strictly and fully implemented.
- Dissemination and education on the change of unacceptable and uncivilized old customs to civilized customs has not been made widely.

Future Action

153. The Royal Government of Cambodia continues to pay attention to disseminate information and educate people as broadly as possible on behavioral change and to accept progress in social and cultural fields.

154. The Royal Government of Cambodia will work towards eliminating negative images of women through the mass media and review the curriculum and course books to modify prejudices based on the idea of inferiority or the superiority of either of the sexes or on stereotyped practices for men and women.

155. The Ministry of Women's and Veterans' Affairs has adopted *Neary Rattanak* (Five Year Plan 2001-2005), which includes an action plan to provide gender and women's rights training for civil servants and local authorities so that they are aware of women's rights and equality between men and women. The Ministry of Women's and Veterans' Affairs will consolidate the Royal Government of Cambodia's policy on gender mainstreaming and develop an action plan for its implementation progressively through key line Ministries and encourage the Provincial Departments of Women's and Veterans' Affairs to raise public awareness at the community levels.

SUPRESSION OF THE EXPLOITATION OF WOMEN

Article 6

States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

Trafficking of women and children

156. Trafficking of women and children is the worst form of violence against women. Women and girls are trafficked within the country, especially from the rural areas and across international borders. Women and children are forced or pressured into prostitution, rented out or sold mostly by their parents, or abducted. Adoption of children for trafficking purposes is also an increasing issue. Cross border trafficking is high and encompasses both trafficking to other nations and trafficking from other countries to Cambodia. Trafficking from Cambodia occurs mostly for the purpose of sexual exploitation. In Cambodia, *karaoke*, massage parlors, restaurants, bars, nightclubs and other amusement places hide sexual trafficking. Sexual service is a form of business and is in great demand in tune with the growth of the market economy in the last few years, and is one of the reasons for the growth of prostitution.

The data on trafficking and prostitution

157. There is no accurate data available on trafficking and prostitution. However, there are some studies we can refer to. Although, the Law on Suppression of Kidnapping, Trafficking, Sale and Exploitation of Human Person was adopted by the National Assembly and entered into force in 1996, trafficking of human persons for prostitution has been increasing from both the city and the rural areas.

158. Referring to some provincial/municipal reports, presently there are at least 300 clandestine brothels, in which there are at least 20.000 prostitutes who are both voluntary and forced victims of sexual exploitation, while at time there is an increase in guest houses, amusement places, massage parlors, karaoke bars, etc., which has contributed to the growth of sex business and has become a new objective in human trafficking.

159. According to one study, trafficking in Cambodia is caused by poverty, illiteracy, misery, joblessness, lack of implementation of laws, and lack of information and education are the most important elements. There is a constant increase in prostitution, human trafficking, debauchery and obscene acts in which there is noticeable increase in cheating people to work in foreign countries, causing thousands of Cambodian young men and women and children to become the slaves of sexual business and beggars.

160. Some Cambodian street children are victimized by being a sexual partner or allowing phonographic pictures of them to be taken because of the need for money.

161. The Ministry of Interior has attempted vigorously to suppress offenses through conducting activities in 3 strategic steps as follows:

1. To implement the police operational procedures;

2. To increase awareness about the sexual exploitation;

3. To provide in-depth training on investigative techniques for the police, judges and prosecutors in Phnom Penh.

162. It was estimated that 35% of prostitutes are under 18 years of age and 50% of them are Vietnamese. The statistics of the Cambodian Women Crisis Center (CWCC) indicated that 64.45% of prostitutes have been forced, 52.9% of whom were cheated by a promise of a good job, 11.04 percent were sold by parents, brothers/sisters and friends and 0.58% were raped. 35.45% were forced into prostitution by poverty. Normally, when they were sold to the brothels, women and children were held in rooms, threatened, beaten, deprived of food and terrified until they agreed to have sex with the clients and all income was taken away and women and children were provided only with food and cosmetics.

163. Thousands of Cambodian women and children have been trafficked to foreign countries to work as prostitutes, beggars, cheaters, fortune tellers, construction workers, housemaids, port workers, etc. An estimation made by IOM indicates that 82,000 Cambodian people are living and working in Thailand with legal records. Around 500 children are living on the streets of big cities and working for brothel owners and traffickers. So far, Thai authorities have each month sent some 400 Cambodian children back to the Thai-Cambodian border.

Factors contributing to trafficking

164. Poverty, unemployment, domestic violence, gender discrimination, lack of education, weakening family ties and deficiencies in the law are contributing causes to trafficking.

Effect of trafficking on women and girls

165. When women go into sex work, they face fear, violence, exploitation, abuse, trafficking and the violation of their freedom by the brothel owners. These acts affect public law and order. Trafficking has health effects as women and girls who are at the risk of sexually transmitted disease including HIV/AIDS. Currently, of direct commercial sex workers 28.8 percent are HIV positive and for indirect commercial sex workers is 14.8 percent. Trafficking has legal effects, as law enforcement is ineffective. Victims lack access to justice.

Measures to eliminate all forms of human trafficking and sexual exploitation of women

166. The Royal Government of Cambodia has been taking all appropriate measures including the making of additional legislation to eliminate all forms of human trafficking and sexual exploitation of women. On 20 November 2001, the Royal Government issued a directive N° 01 BB, to stop the business of bars, nightclubs, discotheques and karaoke bars in Phnom Penh and in the provinces and municipalities through the Kingdom of Cambodia.

Anti trafficking legislation

167. The commerce of human beings, exploitation by prostitution and obscenity, which affect the reputation of women, is prohibited by the constitution itself. (Article 46, para. 1). The Law on Suppression of Kidnapping, Trafficking/Sale and Exploitation of Human Persons was adopted in 1996 with the objective of combating trafficking of human persons, in order to rehabilitate and upgrade respect for the national tradition and the protection of human dignity, welfare and the well-being of citizens. Apart from this law, there are several other laws which directly or indirectly deal with human trafficking, such as the Law on Contracts and Other Liabilities, Labor Law, Law on Marriage and Family, Law on Immigration and the Transitional Penal Code.

Definition of trafficking and punishment

168. The Law on Suppression of Kidnapping, Trafficking/Sale and Exploitation of Human Persons, Article 3 states that "Any person who lures a human person, even male or female, minor or adult of whatever nationality by ways of

enticing or any other means, by promising to offer any money or jewelry, even though there is no consent from the concerned person, by ways of forcing, threatening or using of hypnotic drugs, in order to kidnap him/her for trafficking/sale or for prostitution, is subject to punishment from ten (10) to fifteen (15) years imprisonment. If victim is under fifteen (15) years, imprisonment is from fifteen (15) to twenty (20) years". The accomplices, traffickers/sellers, buyers, receivers are subject to the same punishment as the perpetrators. It also considered as accomplices, those who provide money or means for such offences. All means of transportation, materials and properties, which are used during such offences, shall be confiscated as State's property.

Law enforcement and Judiciary

169. In conformity with the administrative rules in elimination of all forms of trafficking and exploitation of women by prostitution, the Royal Government of Cambodia has also enforced legal judicial measures to punish the perpetuators and ensure the compensation of damages to the victims. The Law on Suppression of Kidnapping, Trafficking/Sale and Exploitation of Human Persons was promulgated by Royal Kram N° CH.S/Roy-Kr/0296/01, dated 29 February 1996.

170. The competent authority in cooperation with the court must enforce the law and have successively arrested and punished the offenders. While there is an effort to enforce the Law on Combating the Trafficking of Women and Exploitation of Women by Prostitution, some negative impact has occurred. Some judges, who rely on their independent power, have taken advantage of trafficking cases by using their discretionary power to punish the accused persons not in conformity with the law such as in some cases the victims' complaints were filed without proceedings based on adequate qualifications. In other cases, the judges changed the qualification of the cases to mitigate the sentence. In some cases, the judges decided to release the accused persons, based on the pretext that there is no enough evidence or no cooperation from the victims.

171. Apart from court deficiencies, some law enforcement officials have not been appropriately enforcing the law and have extorted money from the victimized women. In some cases, the competent authority ignored the enforcement of law as they have reconciled the parties without bringing the offenders before the court for punishment according to the law.

172. Beside these deficiencies, there are also some weak points in the legal system. The Law on Suppression of Kidnapping, Trafficking/Sale and Exploitation of Human Persons still has some gaps and is not perfect yet, giving chances to opportunists in both the competent authority and amongst the offenders to obtain profit individually from the cases, causing ineffectiveness in the enforcement of the law. The Law on Suppression of Kidnapping, Trafficking/Sale and Exploitation of Human Persons is not harmonized with the Law on Immigration, which makes it difficult for the competent authority to implement the law.

Measures taken to fill in the deficiencies

173. To eliminate the deficiencies as related above, the Royal Government of Cambodia has taken some measures as hereunder:

- The Royal Government has created the Royal School of Magistrates to train new judges and trainees the professional skills of the current judges and increase accountability in the enforcement of law.
- Besides, the Royal Government enables and cooperates with the non-governmental organizations opening sessions in the form of seminars to successfully train professional skills to judges and prosecutors on the trafficking and exploitation of prostitution of women.
- Apart from this, the Ministry of Justice has drafted a new Law on Human Trafficking and Sexual Exploitation with clear definitions to punish offenders and to protect victims. This draft law will soon be submitted to the National Assembly for adoption.

Action Plan Against Human Trafficking

174. Cambodian National Council for Children was established in 1995 to monitor, evaluate and coordinate the exercise of child rights. The Five-year National Plan Against Trafficking and Sexual Exploitation of Children 2000-2004 has been adopted aiming at combating trafficking and sexual exploitation of children and improve the quality of law enforcement. It has the following aims:

Prevention

175. This program aims to prevent children from being trafficked and falling into prostitution through multi-media awareness-raising for the general public, prevention within schools, in particular through integration into the curriculum and mobile libraries, as well as child-to-child educational programs, child rights, sex education and awareness of sexual exploitation, awareness-raising/sensitization for government and other professional staff, through workshops/seminars, community mobilization to develop local monitoring systems, awareness-raising through informal education programs.

Protection

176. The objective of this program is to protect children through a review of the legislation and the development of new laws relating to child protection, review and strengthening of implementation mechanisms, training for government staff on law and mechanisms against commercial sexual exploitation of children, improvement of complaints and legal support system. establishment of special protection systems, strengthening the international and regional cooperation to combat trafficking and the development of specific measures against child pornography.

Rehabilitation and development

177. This program was designed to promote and achieve the best possible mental recovery of child victims to normal life through training for relevant Ministry and institutional personnel on assisting victims in the recovery process, support services for victims/survivors, monitoring and planning of services and non-formal education and skills training.

Reintegration

178. The purpose of this program is to facilitate and develop a range of options for resettlement through family reunion, exploration of options, assistance with finding employment, establishment of community support systems and monitoring and follow up.

Establishment of special agency to assist in the implementation of anti human trafficking legislation

179. The Cambodian National Council for Women (CNWC) has been established as the coordination mechanism and to provide recommendations to the Royal Government on matters relating to the upgrading of capacity, roles and welfare of women in Cambodian society towards the reduction and elimination of all forms of discrimination against the women and violence against women. This mechanism assists the Royal Government in coordination, monitoring and evaluation of the implementation and to provide recommendations to promote the implementation of Law, orders and measures relating to the status and roles of women in Cambodian society and to suppress kidnapping, trafficking, sale and exploitation of human persons. Presently, this mechanism has the duty to prepare the national reports on the implementation of CEDAW.

180. In March 2000, the Ministry of Women's and Veterans' Affairs, IOM and the representative of the government of Finland signed an agreement to fight all forms of trafficking of women and children in Cambodia for three years (2000-2003) under the presidency of Samdech HUN SEN, Prime Minister. The program is directed towards the implementation of urgent activities and capacity building for the staff of the Ministry of Women's and Veterans'

Affairs, officials from the concerned ministries and local authorities of 6 provinces/ municipalities situated at the border areas to respond to trafficking of women and children within their localities.

181. The Royal Government of Cambodia has cooperated closely and regularly with local authorities as well as Non-Governmental Organizations and the international community to combat trafficking of women. The Ministry of Women's and Veterans' Affairs in collaboration with the British Embassy has been supporting a program for economic development within poor families, mainly women victimized by human trafficking in Poipet where trafficking is taking place near the Cambodia-Thai borders.

182. An Executive Legal Committee was set up to combat the trafficking of children. This program was implemented by the Ministry of Interior (MOI), COHCHR, IOM, UNICEF, REDD BARNA and World Vision. It aimed at building the capacity of police, investigating judges and prosecutors to investigate, suppress and punish any person who commits sexual exploitation and trafficking of children, to protect the victims and extend a system of receiving complaints and information. The project lasted 2 years (2000-2001). This program trained around 4824 judicial police to combat human trafficking. This training program was implemented in several provinces/ municipalities such as Phnom Penh, Kampong Som, Kampong Cham, Svay Rieng, Takeo, Prey Veng, Kandal, Kampong Thom, Battambang, Banteay Meanchey, Siem Reap, Kampong Chhnang and Koh Kong.

183. Phnom Penh Municipal Authority has established a Joint Committee for the Implementation of the Policy Guideline on the Prevention of Sexual Exploitation of Women and Children. The Committee has duties to control prostitution, search and restrain the traffickers of women and children and their accomplices, and bring them to justice. A similar committee has been created at the commune/sangkat and district levels in order to implement the work effectively.

184. Under cooperation between the Royal Government of Cambodia (RGC) and the Cambodian Office of the High Commissioner for Human Rights (COHCHR), training courses have been provided for the Royal Cambodian Armed Forces (RCAF), Military Police and Police throughout the country on topics as: Constitution, Criminal Law, Law on Suppression of Kidnapping, Trafficking, Sale and Exploitation of Human Beings and other relevant laws such as laws, Protocols and International Conventions.

185. NGOs working on the rights of women and prevention of trafficking of women and children have carried out many activities such as education on and dissemination of laws, human rights, women's rights and children's rights and created rescue services to save the victims, for example, the provision of temporary shelters, vocational training and job opportunities.

Repatriation and Reintegration

186. The Memorandum of Understanding on Bilateral Cooperation for Eliminating Trafficking in Children and Women and Assisting Victims of Trafficking was signed on May 2003 between the Royal Government of Thailand and the Royal Government of Cambodia. The Memorandum of Understanding on Bilateral Cooperation for Eliminating Trafficking in Children and Women and Assisting Victims of trafficking has jointly prepared and will also be signed in year 2004 between the Royal Government of Cambodia and Government of Socialist Republic of Vietnam.

187. From 1996 to 2000, with support from UNICEF and with contributions from 13 Non-Governmental Organizations based in Phnom Penh, the Ministry of Social Affairs, Vocational Training, Labor and Youth Rehabilitation has reintegrated the children into their families in their respective home villages Besides, only 1000 out of 2000 integrated children could be followed up in terms of their living conditions by the Ministry.

188. In 2000 and 2001, 436 Cambodian victims of the Sexual Exploitation and Human Trafficking were repatriated to Cambodia from Thailand through Poipet border checkpoint (according to IOM's report). In 2001, with support from UNICEF and IOM, the Ministry of Social Welfare, Vocational Training, Labor and Youth Rehabilitation, repatriated 210 Cambodian victims from Vietnam and have integrated 230 victims into the national community. With support from IOM, 76 Cambodians have repatriated from Indonesia.

189. The Royal Government of Cambodia has been working to enact new legislation and also the mechanism to effectively enforce the law. At present, its focus is on addressing the root cause of the problem, especially through the national plans such as the National Poverty Reduction Strategy and Social Economic Development Plan II. It is also committed to implementing all human rights instruments. The measure taken to suppress trafficking in women and children is one of the priority issues in the agenda of the Royal Government of Cambodia.

EQUALITY IN POLITICAL AND PUBLIC LIFE

Article 7

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

(a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;

(b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;

(c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.

190. The Constitution of the Kingdom of Cambodia guarantees and protects women's rights to participate in political, social and public life on an equal basis with men. Traditionally, women in Cambodia have had very little involvement in public life, whether in political or in community leadership positions.

Equal Rights to Vote and Stand for Election

191. The Royal Government of Cambodia guarantees equal rights for men and women to vote in all elections and may stand for election as members of the National Assembly. The Constitution of the Kingdom of Cambodia, Article 34 states that "Khmer citizens of either sex shall enjoy the rights to vote and to stand as candidates for elections. Khmer citizens of either sex of at least eighteen (18) years of age, have the right to vote. Khmer citizens of either sex of at least twenty-five (25) years of age, have the right to stand as candidates for election as members of the National Assembly. Khmer citizens of either sex of at least forty (40) years of age, have the right to stand as candidates for election as members of the Senate.

192. According to the Constitution, women have exercised their Constitutional rights to engage in public functions. This fact is clearly demonstrated in the Parliamentary Elections of 1998 in which over 50% of women fulfilled their duties as voters. However, only 20% of women are holding office and only 11.52% of Members of Parliaments are women. There is an average of approximately 10% of women in leadership at local, central and lower levels. Among 39 political parties participated in the 1998 National Elections, five (5) women were the heads of Political Parties.

193. During the Commune Elections in year 2002, each of the three elected parties, despite disagreement on the quota being made a legal requirement, the winning parties have encouraged women to stand as candidates in the Commune Council Elections. The Royal Government of Cambodia has provided opportunities for women to participate in training courses on leadership and to encourage popular and capable women to stand as candidates for their parties. There were 12,375 (16%) women candidates in the Commune Council Elections out of 75,287 total candidates. Among them only 977 (8.67%) women were elected and are serving in the Commune Councils, among 1,621 communes/Sangkats throughout the country.

194. According to Sub-decree N° 22 Sub-decree dated 25 March 2002, On Decentralization of Powers, Roles and Duties to the Commune/Sangkat Councils, Article 19 states that "The Commune/Sangkat Council shall appoint a female

councilor to take care of women's and children's affairs. In case, the Commune/Sangkat Council does not have any elected female councillor, it shall appoint a woman as an Assistant in charge of women's and children's affairs.

The Assistant in charge of women's and children's affairs shall have the right to participate in the discussion or meeting of Commune/Sangkat Commissions and the meeting of Commune/Sangkat Councils, but she is not eligible to vote in any decision".

Equal rights to formulate, implement the policy and perform public functions

195. The Royal Government of Cambodia has guaranteed equal rights between men and women to participate in the formulation of government policy and to implement and hold public office and perform all public functions at all levels of government. Article 41 of the Constitution states that "Khmer citizens shall have freedom of expression, press, publication and assembly. No one shall exercise this right to infringe upon the rights of others, to affect the good traditions of the society, to violate public law and order and national security".

Local Government

196. Under the policy of decentralization and deconcentration of public services, support is given through the Seila project (supported by international donors) to provincial/municipal authorities and below to undertake their new responsibilities. This includes a Seila Gender Mainstreaming Strategy 2001–2005 prepared and coordinated by the Ministry of Women's and Veterans' Affairs. The goal is to ensure that "Government has sustained capacity to mainstream gender in poverty alleviation and governance and thereby promote equitable participation and empowerment of women in development". This will be achieved through the implementation of three components: commitment to capacity building; increased participation of women in local development planning and good governance; and enhanced capacity for gender monitoring, evaluation and local database management.

197. According to the Sub-decree mentioned above, Article 22 states that "The Commune/Sangkat Council shall select a Village Chief in each village. The Village Chief shall appoint a Village Deputy Chief and a village member as an Assistant. The Village Chief, Village Deputy Chief and village member must be eligible voters in that village and one of them must be a woman. In reality of each village, the Commune/Sangkat Council makes an effort to select a woman to hold the position of Village Chief or Village Deputy Chief.

198. The early decentralization experience has been considered successful in increasing citizens' participation in governance and in particular in increasing women's participation in decision-making. Whereas female participation in public decision-making has historically been limited, but female representation in the Village Development Committees increased to 26% by 1997 and reached an average of 40% by 1998. As a result, there is informal evidence from NGOs and Ministry of Women's and Veterans' Affairs that the choice and design of projects are becoming increasingly responsive to the needs of women (According the data of World Bank, 2003).

Legislative Institution

199. Figures indicating the number of women participating in the legislative, executive and judicial institutions is as follows:

National Assembly	Year	Total	Female
	1993	120	7 (6%)
	1998	122	14 (11.52%)
	2003	123	
Senate	1998	61	8 (13%)

Executive Institution

- Out of 27 Ministries/Institutions, 2 Ministries are headed by women, the Minister for the Ministry of Women's and Veterans' Affairs (MWVA) and the Minister for Culture and Arts (MOCA) in comparison to the first mandate of the Royal Government in 1993, which no women held ministerial positions.

- Among 50 Secretaries of State, there are three women (6%), two holding these positions in The Ministry of Women's and Veterans' Affairs (MWVA) and one holding the position in the Ministry of Social Affairs, Vocational Training, Youth Rehabilitation in comparison to the first mandate of the Royal Government in 1993, which no women held such positions.

- Among 127 Under-Secretaries of State, 5 are women, three for the MWVA, one for the Ministry of Tourism (MOT), one for the Ministry of Foreign Affairs (MFA) in comparison to the first mandate of the Royal Government where 5 Under-Secretaries of States were women.

- The Cabinet of the King consists of 2 female members. One holds the position of Advisor of the King and another is a Protocol Director, whose ranks are equal to that of Minister.

- Women holding positions equal to Ministers, Secretaries of State and Under-Secretaries of State make up 14, including positions as Advisors to the Senate, National Assembly President, Prime Minister, Deputy Prime Ministers and Secretary-Generals of various institutions in comparison to the first mandate of the Royal Government in where 6 members were women.

National Police Force

- In the National Police Force, there are 3,236 women police, equal to 5.38%. In 2002, the Ministry of Interior created a Department to Combat Human Trafficking and Protection of Minors, headed by a woman General assisted by one Colonel, eight (8) Lieutenants, 28 Majors and 1,875 other officers and women police who are holding positions of Deputy Chief of Departments, office Chiefs, Deputy Chiefs of the offices, Chiefs of Sections in all Departments at the Provincial/Municipal Police Commissary and District/Khan Police throughout the country.

- Training has been provided to 134 women police at the Ministry and at 13 Provincial/Municipal Police Commissaries to suppress the trafficking of women and children at land, water, air border checkpoints and to prevent violence against women at the Provincial/Municipal levels and in communities.

- Training has been provided to 4,824 police officers of all levels on laws and procedures for prevention of offences, conducted at the Royal School of Police and in collaboration with the Committee for the Support of Women of the Ministry of Interior, on all information sharing and be on duty for intervention on 24 hours basis to combat the trafficking of women and children and prostitution.

Civil service

Among a total of 160,189 civil servants, 51,581 of them are women (32.2%). Examples at the Ministries:

- Ministry of Interior (MOI) has 3,236 women staff members, in which one woman General is the Head of Department, 10 Deputy Heads of Departments and 1,875 others are Chiefs and Deputy Chiefs of the offices and Chiefs of Sections.
- Ministry of Health (MOH) has 3 772 staff of whom 886 are women (49%).
- Ministry of Education Youth and Sport (MOEYS) has 3,101 staff of whom 972 are women (31%).

- Ministry of Agriculture Forestry and Fisheries staffs are 16% female and most occupy administrative positions. Many are poorly educated (19% in provincial offices have not completed primary school). 10% of extension officers are women.
- Ministry of Information and Press (MOIP) has 1296 staff of whom 382 are women (29%) and one Director General.
- Ministry of Public Works and Transport (MOPWT) has 491 staff in total, of whom 152 are women. Among all women staff, one is Head of Department and one is Deputy Head Department, and 18 others are Chiefs and Deputy Chiefs of offices.
- Ministry of Posts and Tele-Communications (MPTC) has 1360 staff in total, of whom 494 (36%) are women, among them 20 women are Heads, Deputy Heads of Departments and 25 others are Chiefs of offices.
- Ministry of Women's and Veterans' Affairs (MOWVA) has 216 staff in total of whom 149 are women (69%).
- Ministry of Culture and Fine Arts has 1,625 staff in total of whom 575 are women (35%).
- Ministry of Foreign Affairs and International Cooperation (MOFAIC) has 457 staff in total of whom 166 (35%) are women including one Under Secretary of State, three Heads of Departments and six Deputy Heads of Departments.
- Twenty-four (24) Provinces/Municipalities have no women holding the positions as Provincial/Municipal Governors. Among 71 Deputy Governors, one woman holds a position as second Deputy Governor. There are four (4) District/Khan women Governors and 8.67% are Commune/Sangkat Deputy Chiefs.
- There are 185 District/Khan Governors of which no women District/Khan Governor, 551 Deputy District/Khan Governors of which 2 are women.
- According to the Administrative Reform Policy on Decentralization, women were elected as Commune/Sangkat Chiefs.
- The Commune/Sangkat Chiefs, First and Second Vice Chiefs, First and Second Deputy Chiefs of Commune with a total of 977 equal to 8.67%, 184 women clerks equal to 9.62% have been serving in the local administration throughout the country.

Judicial Institutions

Up to July 2003

- There are 14 women judges (12%) and 119 men judges;
- There is 1 woman prosecutor (1.5%) and 63 men prosecutors;
- There are 129 court clerks (19.25%) and 668 men court clerks.

200. Despite the guarantee from the Constitution and the law on Election, women participation in public life whether in judiciary or in the executive institution, the figure show that women have a limited number of positions in decision making. However, the trends are positive.

201. The Royal Government of Cambodia is engaged in a major reform process including of the administration. The Governance Action Plan (GAP) is "investing in men's and women's equality as an important sector of the Royal Government's Objectives in the reduction of poverty and in creating a just society. The expected result is to increase women's participation in the State's affairs and in economic activities which would further upgrade the country's socio-economic development". To recognize this equality, the Royal Government has disseminated publicly the

results of Civil Service Census for creating and setting out the benchmarks and in order for Ministry of Women's and Veterans' Affairs to carry out its mandate to monitor the status of women.

202. Part of the civil service reform process is the creation of Priority Mission Groups (PMGs). These "mission-based teams are carefully selected to carry out results based priority missions of change called for under the Governance Action Plan, PRSP and SEDP II". While the exact arrangements for the PMGs are still to be determined, it is estimated that 1000 staff of priority Ministries will be selected. Measures to promote women candidates have been proceeding.

203. The Council for Legal and Judicial Reform is also part of the reform process. Although progress has been slow, the Royal School of Magistracy has been established and is headed by a woman. The encouragement of women's participation in the judiciary is being promoted through a fellowship scheme sponsored by the German aid agency, GTZ, and UNDP to support female students in preparing for the entry exam of the Royal School of Judges and Prosecutors (RSJP) and subsequent fellowships to attend the two-year training program. GTZ will also support the provision of dormitory for these female students as well as currently supporting a project in Ministry of Women's and Veterans' Affairs for drafting the Law on the Prevention of Domestic Violence and the Protection of the Victims.

Equal rights to participate in pubic and political life

204. The Royal Government of Cambodia is committed to providing women with equal rights to participate in NGOs and other associations in public and political life. Article 42 of the Constitution of the Kingdom of Cambodia states that "Khmer Citizens shall have the right to establish associations and political parties. Khmer citizens may take part in mass organizations for mutual benefit to protect national achievement and social order". After the 1991 Paris Accord Agreement, many NGOs and associations focused on the development of human rights, women health, birth spacing, mother and child care etc., and activities such as document research, publication, provision of micro credit, shelters, non-formal education, such as vocational training, and capacity building on human rights and laws. Many women have actively participated in NGOs, in which a large number of women play important role in decision-making. The Ministry of Interior has a Department of Political Affairs, which recognized women as Heads of 5 Political Parties among 39 Parties (in 1998 Election). Among 1201Associations and Civil Society Organizations, 145 women are the Heads, equal to 12.07% The Ministry of Interior has made legislation for Prison Administration to separate the women convicted and detainees from the men, and to have a policy to support and provide professional training, human rights and laws, credits, etc. There are 23 political parties contested in 2003 National Election, in which one party was headed by a woman. Two out of five members of the National Election Committee (NEC) are women.

205. Observations suggest that many women are actively participating in NGOs, in which a number of women play the leadership roles.

Measures to increase women's participation in politics and public life

206. The Royal Government of Cambodia and various political parties have been making efforts to increase women's participation in politics and public life. The RGC has developed different strategic interventions through the Five-year Socio Economic Development Plan (2001-2005), *Neary Rattanak*, and National Poverty Reduction Strategy to build the capacity of women.

207. The Ministry of Women's and Veterans' Affairs has been playing an important role in mainstreaming gender in the development of all national institutions and continues to focus on the integration of gender in the Policy and developing an Action Plan of the Royal Government at all levels.

208. The Ministry of Women's and Veterans' Affairs has been playing an important role in advocating for and monitoring the mainstreaming of gender within the National and Sectoral Policy. The Ministry's policy for the advancement of women, *Neary Rattanak*, was further developed into a Five-Year Strategy Plan, which in turn, was incorporated into

the national Socio Economic Development Plan II 2001-2005. This meant that women's issues or concerns were included in this important policy. Ministry of Women and Veterans' Affairs was actively involved in the development of the National Poverty Reduction Strategy 2003-2005 and sought through the inter ministerial consultations, bilateral meetings with some individual ministries and written comments on the various drafts sent to the coordinating body, the Council for Social Development, to have gender mainstreamed in Cambodia's National and Sectoral Policies.

209. Regarding the instruments to monitor the National Poverty Reduction Strategy (NPRS), the Royal Government of Cambodia has established a Poverty Monitoring and Assessment Technical Unit (PMATU) in the Ministry of Planning (MOP). This Unit will also be reworking the targets and indicators, which will be, wherever possible, sex disaggregated. In addition, the PMATU has been made responsible for "domesticating" the Millennium Development Goals (MDGs) and bringing them together with the goals of the NPRS. By 2005, the Socio Economic Development Plan III will incorporate all three initiatives into one policy document.

210. In 2000, under Royal Government Second Five-Year Socio-Economic Development Plan, gender focal points were appointed in some Ministries. They have participated in training programs organized by MWVA but they have not yet been supported with budgets.

211. The Ministry of Education Youth and Sports has developed a fairly comprehensive Gender Strategy and has a Gender Working Group, which is chaired by a Secretary of State. The Strategy has not yet covered the issue of illiteracy, which seriously affects women who have a higher rate of illiteracy than men or the issue of vocational education, which, together with literacy programs could greatly assist women improve their income generating capacity and general welfare.

212. In 2002, the Ministry of Education, Youth and Sports instituted a policy of affirmative action in the selection of students into tertiary studies, i.e., where a male and a female student have equal scores in the Grade 12 examination, the female student will be selected until there is parity in numbers. A similar affirmative action policy applies in the Royal School of Administration, which now trains all civil servants except for professional positions. In the long run, this will contribute to a marked increase in qualified females for selection into the civil service and other decision-making positions.

213. In the Ministry Agriculture, Forestry and Fisheries, there is no ministry-wide gender mainstreaming framework but several major current and proposed projects with donor assistance are promoting gender mainstreaming and by targeting women, are acknowledging the significant role women play in agricultural production and marketing. The same is true for a number of NGO projects. Under an Asia Development Bank (ADB) loan in 2003, efforts will be made to develop a ministry-wide gender strategy, as well as attempting to coordinate these donor driven efforts, reduce duplication and sharing best practice. This project will require the employment of new staff who will include 50% women; will provide extension services and credit to farmer groups (50% women members) in 6 provinces; and provide gender training for staff and farmers.

214. Ministry of Rural Development (MRD) oversights the Village Development Committees (VDCs) and requires that at least 30% of council members be women. The Ministry's draft Water and Sanitation Policy and Strategy also emphasizes the importance of addressing women's as well as men's needs.

215. In 2001, the Royal Government of Cambodia (RGC) established the Cambodian National Council for Women (CNCW) as a mechanism for monitoring the implementation of all laws and regulations to promote the current status of Cambodian women. The CNCW's Honorary Chair is Her Majesty Queen Monineat Sihanouk, the Prime Minister is Honorary Vice President, the Minister of Women's and Veterans' Affairs is President, 17 senior representatives of line ministries are members, and three Civil Society representatives act as advisors.

216. Presently, 62 local NGOs and 31 International NGOs have been focusing on women and gender issues. Other NGOs have organized training on gender and identify the women to benefit from this project. A number of NGOs have included women issues in their programs and cooperated with women's organizations in addressing a variety of

issues including domestic violence and human trafficking. Gender networks include Gender and Development Network (GADNET) and the Women's Working Group (WWG) of NGOs Forum. These two groups have duties to coordinate the efforts of NGOs in mainstreaming gender in their organization. The Ministry of Women's and Veterans' Affairs has organized the Women's Forum to coordinate activities between the Ministry and NGOs, especially to participate in events as part of International Women's Day. The Cambodian Committee for Women (CCW) is a network of 33 local NGOs that mainly focus on combating the trafficking of women and children. Certain NGOs, such as Women for Prosperity and GADNET, are also working to increase women's participation in decision-making and public life, through voter education, promoting women's participation in election campaigns and building the leadership capacity of women through various training programs, often conducted in the provinces/municipalities. The NGO Committee in charge of CEDAW, monitors the implementation of this Convention in Cambodia. What should be noticed is that Cambodian Men's Network has been paying attention in solving gender issues and cooperates with other NGOs to combat violence against women and issues relating to gender.

Obstacles

217. Despite general acceptance of the need for gender balance in decision making bodies at all levels, a gap between *de jure* and *de facto* persists. Deep-rooted cultural and social patterns, norms and attitudes, and stereotyped roles limit women's access to political and public life. Poverty falls particularly heavily on women, especially on female headed households. Due to heavy economic and family burdens, Cambodian women do not have enough time to focus on political affairs. Lack of adequate education, family support and lack of control over resources are also hindering factors to participation in public life. Despite the training programs, women generally are concerned about their own security and are not confident in management and decision-making.

218. Most line Ministries have not developed gender mainstreaming strategies and their senior leadership does not understand or take seriously the need to address gender disparities in policy development and implementation.

219. The ways in which political parties choose their candidates seriously disadvantages women candidates who are related to lower ranks on the parties' lists.

Future Action

220. The Royal Government of Cambodia (RGC) will strengthen and reaffirm its gender mainstreaming policy and adopt a Gender Mainstreaming Action Plan in 2003. This will lead to line Ministries having to develop their own gender strategies and if necessary seek technical assistance to do so.

The Royal Government of Cambodia (RGC) will expand and further develop its affirmative action policies in the recruitment and promotion of women into decision-making positions in the public service, as well as increasing the number of women entering tertiary education. Affirmative action will also apply to the Governance Action Plan (GAP) and the Priority Mission Groups (PMGs).

The Ministry of Women's and Veterans' Affairs (MWVA) will continue to strengthen the capacity of women through training and projects/programs and to encourage women's participation in political life and other leadership positions to achieve the target of (30 percent agreed to in the Beijing Platform for Action 1995).

The Royal Government of Cambodia (RGC) aims to empower women by providing them with training in Gender and Development and providing training to local communities leaders, such as commune councilors.

Some political parties have a commitment to promote women to high positions in politics as members of parliament, members of the Senate and commune/sangkat chiefs. MWVA will be monitoring the implementation of the commitment to ensure women's participation in politics and public life.

Use of mass media will be extended and strengthened, especially in remote areas in order to raise awareness of women and empower women through advocacy and public awareness campaigns.

EQUALITY IN INTERNATIONAL REPRESENTATION

Article 8

States parties shall take all appropriate measures to ensure to women, on equal terms with men and, without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.

221. The Kingdom of Cambodia has taken appropriate measures to provide all people, men and women, with equal rights and without discrimination. Therefore, The Royal Government of Cambodia has taken appropriate measures to provide opportunities to women to represent the Government in the international arena and to participate in international organizations and different international conference.

222. The Constitution of the Kingdom of Cambodia (Article 35) stipulates that Khmer citizens of either sex shall be given the right to participate actively in political, economic, social and cultural life of the nation. Based on this principle, Cambodian women have played an important role at national and international levels.

At the present time, there are 166 women (36%) out of 457 civil servants of the Ministry of Foreign Affairs and International Cooperation, including one Under Secretary of State, one General Director, two Directors of Department and five Deputy Directors of Department. Fifty-three women are currently working at Cambodian diplomatic missions. They have positions such as Minister Counselor, Secretary, Protocol Officer and Accountant.

223. In order to strengthen women's role in international arena, the RGC has sent Cambodian female delegations led by women to participate in different seminars, international forums and meetings, and spared no effort to contribute to the process of improving the situation currently challenging women in the world, especially to attend the United Nations Conferences, such as the 23rd Congress on Women in New York, the meeting on women issues in ASEAN organized in Bali, Indonesia, the seminar on trafficking of women and children in Thailand etc. There are some other female high-ranking officials, who have led Cambodian delegations to participate in international and regional forums dealing with women and other issues.

Obstacles

224. Although, the RGC has the policy of encouraging women to represent the Government at international forums, there are still many obstacles, which bar women from making the most of the opportunities provided by the government to represent it abroad. For instance, they have to get permission from their family, when they receive a proposal to work at diplomatic missions in foreign countries. Social and cultural value still influence women with their capacity are not encouraged to leave their family to represent the government at international forums.

Future action

225. The RGC will continue to make efforts to provide more opportunities to women to have a leadership position in the RGC and at the diplomatic missions of the Kingdom of Cambodia in foreign countries. Furthermore, women will be encouraged to participate in training courses in country and abroad.

EQUALITY IN RIGHT TO NATIONALITY

Article 9

1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.

2. States Parties shall grant women equal rights with men with respect to the nationality of their children.

226. RGC, as a party to CEDAW, has provided and guaranteed the rights of equality between men and women in changing or maintaining nationality or the selection of nationality of their descendants, in marriage with foreigners, as well as with Cambodian citizens who are living abroad.

Equal Rights in maintaining or changing their nationalities

227. Article 33 of the Constitution of the KOC has noted that, "Cambodian people's nationalities could not be withdrawn, and they cannot be sent into exile, or arrested and handed to any foreign countries except where there is mutual agreement. Cambodian citizens who are living abroad shall be protected by the Government." Article 6 of the Law on Nationality has ensured that Cambodian citizens shall not lose their nationality by getting married to foreigners. There will be no consequences or causes to make women abandon their own nationality to follow their husbands' nationality and nobody can withdraw the nationality from them. One concrete example is that during the terror regime of the Khmer Rouge (KR), many Cambodian women were forced to live in foreign countries, but their nationality was not denied to them.

228. In the past, no Cambodians have been denied or not given their nationality. Police check their identification and issue identification cards. As well, in all provinces, cities, districts, communes, villages, record officers issue birth certificates for babies in which race and nationality is recorded.

229. Cambodian nationality is provided to all citizens unless any conditions are required under the existing laws of the nation.

230. Beside the Cambodian nationality from birth, the Law on Nationality of the KOC also provides Cambodian nationality to foreigners through marriage and naturalization. Article 5 of the Nationality Law says that, "Foreign men or women, who get married to Cambodian men or women, may ask for the Cambodian nationality only when this married couple has been living with each other for three years after the registration of the marriage certificate."

231. Cambodian people of both sexes are entitled to change their nationalities or ask for additional nationalities in accordance with their desire and depending on the law of the nation where they request the new nationality.

Equal Rights in Nationality of Descendants

232. In Cambodia, the father and mother have the same rights in the selection of the nationality of their descendants, even if they are born in a foreign country where by birth the child can also apply for the citizenship of that country.

Article 4.1 of the Constitution says that:

1. Cambodian nationality shall be given to anybody wherever they were born including:
   - Children of a father or mother who are married and who has Cambodian nationality;
   - Children of a father or mother who are not married and who has Cambodian nationality,

- Children who are abandoned or non-recognized by their parents, when the court issued a verdict that, "That child was really born from that father or mother who bears Cambodian nationality".

2. Anybody who was born in the KOC will be given Cambodian nationality including:

   A. Children who have foreign fathers or mothers who were born in or have been legally living in the KOC.

   B. Children who have born from unknown fathers or mothers, and were found by someone else in the KOC shall be considered as born in the KOC.

Equal Rights in using Passports

233. Cambodian citizens of both sexes are entitled to have their own passports. For travel abroad, Cambodian women have the rights and possibilities to obtain and handle their own passports without permission from their husbands. On the other hand, any children with their proper age under the sponsorship of anybody may travel back and forth through the passports of their mother (based on the sub-decree on passports of the Kingdom of Cambodia #68 KN.KR dated July 20, 1994).

234. Children less than 18 years old may ask for a passport with permission in writing from their parents or guardians, but their petition form shall be filled in and enclosed with a copy of their family record books or birth certificates. But if they are less than 12 years old, for traveling abroad, they shall travel together with their parents or guardians' passports.

Obstacles

235. Even though there is a *dejure* guarantee of equality in maintaining, selecting and practicing nationality, in practice many women, due to the lack of information and awareness about their rights, have difficulties in exercising these rights.

Future Action

236. RGC shall be taking all appropriate measures to promote legal rights awareness to the people, specifically women, so that women can exercise their legal rights in practical life. Birth registration will be made accessible to all without any condition.

EQUAL RIGHT IN EDUCATION

Article 10

States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:

(a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas. This equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;

(b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;

(c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;

(d) The same opportunities to benefit from scholarships and other study grants;

(e) The same opportunities for access to programmes of continuing education including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;

(f) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely;

(g) The same opportunities to participate actively in sports and physical education;

(h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.

All appropriate measures to ensure equal rights with men in the field of education

237. The Constitution of the KOC Articles 48, 63, 65, 66, 67 and 68 state that women have the same rights as men, right to be independent in family economic and in the educational fields, including in vocational and technical skills on an equal basis with men. The State has the duty to protect and to promote the right of all citizens to have access to qualified education at all levels.

238. The Royal Decree #0796.52 NS.RKT dated 26 July 1996 provided for primary and lower secondary education, that is, nine-year basic education for all girls and boys.

239. The policy of the Government is to provide basic education for all which enables them to take up a career in accordance with their capability and desire. The RGC has eliminated the barrier of compulsory examinations between primary and lower secondary levels so that all children may continue their studies until Grade 9. Educational activities of the Ministry of Education, Youth and Sports has focused on boys and girls who are facing difficulties and hardship as well as boys and girls of ethnic minorities by guaranteeing their studies until the end of nine-grade, assisting the poor, paying attention to poor boys and girls, especially making an attempt to improve the priority action programs in all provinces and cities in primary and lower secondary schools, and educating, training and refreshing teachers for further understanding of vocational, professional and technical skills for higher education. The RGC is working towards basic education for everybody at primary schools by the year 2015, providing qualified teachers at all educational levels, taking care of and upholding the living standard of teachers especially those living in remote areas and provinces, and giving encouragement awards based on their capability and working performance. Efforts are being made to provide materials and supplies for schools so as to reduce to a minimum the collection of funds from students to teachers. This will facilitate poor female students to continue their studies. There are 12 activities under the Priorities Action Plan and other programs including material production, organizational capacity development and monitoring and evaluation.

240. Four priorities under the *Neary Rattanak* the Five-Year Strategy, put forward by the MOWVA aiming at empowering women, are being paid vigorous attention by the RGC, especially in the area of promoting equality of men and women. The four priorities of *Neary Rattanak* are health, education, family economic and legal protection. The overall objective of *Neary Rattanak* is to ensure women the enjoyment of their rights and empowerment, in contribution to poverty reduction.

Equality in obtaining education at all levels

241. In order to ensure gender equality, the RGC has introduced a lot of measures with the intention of enabling boys, girls, youth, men and women obtain education at all levels, through illiteracy classes, vocational and technical training classes, scholarships, health service and prevention of drop-out through building dormitories for women students. Sub decree No. 102 RNKRBK dated 3rd October 2002 and Prakas No. 560 SHV dated 6th September 2002 state the Government's approval for a separate fund allocation for the implementation of PAP. The principles of quality education services, quality and effective primary education, quality technical training and the expansion of non-formal education under the Ministry of Education, Youth and Sports (MoEYS) are supported by PAPs. Those activities began to be implemented on January 1st 2002.

242. In 2002, the RGC designated MoEYS as one of the four priorities ministries, aimed at enhancing the quality of education, improving the living standards of all teachers and absolutely reducing to a minimum the expenses of parents of pupils and students to facilitate equal opportunities for both the poor and rich children in the attainment of education.

Kindergarten Level

243. The MOEYS has an education policy to enable all children under 6 to study at kindergarten classes on an equitable basis, especially encouraging children at the age of five for preparatory classes for primary schools. Based on 2001-2002 statistics, 90,563 children including 45,413 girls went to kindergarten classes, representing an increase of over 23,340 including 11,362 girls (48.6%) if compared with 2000-2001 data. This showed very positive recognition by society, parents and guardians of the importance of girls' education, even though it is small increase in girls' participation.

Primary Educational Level

244. The Royal Decree NS.RKT /0796/ 52 stated that, "Primary schools have a responsibility to enroll all 6-year-old children on an equitable basis, where respect for human rights, love of work, and commitment to environmental protection, the arts and national culture preservation are in the school curriculum."

245. At the primary educational level, the number of female pupils is raising. In the 2000-2001 school year, the figure of total students across the nation was 2,382,481 including 1,185,528 female students (49.7%). In the 2001-2002 school year, the number was 2,569,187 with 1,181,144 female students (46%). The total of children at school age between the age of 4-6 years old represent 3,238,494 with 1,594,775 girls. Not-going-to-school children represent in total 533,041 with 337,086 females (63%). (Education indicators in February, 2001-2002).

246. The MOEYS received a budget of 150,880 million riels for 2002, 166,990 million riels for 2001 and 323,000 million riels for 2002 and 183, 179 million riels for 2003 from the RGC for special programs for pupils who were failing to achieve the required standard at grade 1 and 2, extra funding was provided to support schools and provide for increased numbers of enrolment of pupils/students and to address the poverty faced by many families. It also provided a budget for monitoring and surveillance in order to increase the efficiency of educational management. In practice, 102,035 grade-one exam-failed pupils or 98.30% attended the vacation classes and of these 57.72% passed the second exam and 53,614 grade-two exam-failed pupils or 98.30% also attended vacation classes in which 57.72% passed the second exam. Therefore, it can be seen that vacation classes reduced the exam-failed and dropout rate to a considerable extent.

Flow Rate of Female Pupils (grade 1-6)

(2001-2002 educational indicator statistics)

Classes	Municipal Areas			Rural Areas			Remote Areas		
	Passed	*Failed*	*Dropout*	*Passed*	*Failed*	*Dropout*	*Passed*	*Failed*	*Dropout*
1	74.30	15.20	10.50	69.20	17.50	13.30	46.50	25.10	28.40
2	82.90	9.00	8.10	78.40	10.50	11.10	57.10	13.70	29.20
3	85.80	6.40	7.80	82.00	8.40	9.70	63.20	12.10	24.60
4	88.10	4.20	7.60	83.20	5.90	10.90	70.50	8.60	20.90
5	87.90	3.10	8.90	87.70	3.60	12.70	70.40	4.90	24.70
6	90.10	1.80	8.10	85.00	2.50	12.50	77.40	5.50	17.10

Table shows the rate of dropout and exam-failure at rural areas is higher than municipal areas.

Lower secondary educational level (junior-high school)

247. In 2001-2002 school year, girl students at lower and higher secondary education levels have a higher rate of enrollment than the 2000-2001 school year for all municipal, rural and remote areas.

Number of Students at Lower Secondary Level

Areas	Lower Secondary Level				Higher Secondary Level			
	2000-2001		***2001-2002***		***2000-2001***		***2001-2002***	
	Total	*Female*	*Total*	*Female*	*Total*	*Female*	*Total*	*Female*
Municipal	92,309	38,039 (41.20%)	109,024	45,927 (42.12%)	59,024	21,498 (36.42%)	60,174	22,029 (36.60%)
Rural	190,451	66,486 (34.90%)	241,483	89,602 (37.10%)	46,062	11,967 (25.98%)	53,230	14,382 (27%)
Remote	818	221 (35,57%)	1,128	408 (36,17%)	0	0	0	0
Grand Total	283,578	104,816 (36.96%)	351,635	135,937 (38.65%)	105,086	33,465 (31.84%)	113,404	36,411 (32.10%)

Percentage of Exam-Passed, Exam-Failed And Dropout Women Students At Secondary Levels in 2000-2001 school year

AREAS	Lower Secondary Level			Higher Secondary Level		
	% Passed	*% Failed*	*% Dropout*	*% Passed*	*% Failed*	*% Dropout*
Municipal	84.06	2.60	13.30	87.60	2.43	9.90
Rural	73.30	3.60	23.10	75.10	5.43	19.30
Remote	77.10	2.60	20.30	N/A	N/A	N/A

Figure of Women Students passed 2000-2001 School Year Diplomas

AREAS	Number of Passed-Exam Students	
	Lower Secondary Level Certificates	*Higher Secondary Level Diplomas*
Municipal	6,938	5,925
Rural	7,214	1,523
Remote	55	0

248. In 2001-2002 school year, there were 381 junior high schools, an increase of 12; 160 senior high schools, with 10,226 total classes, an increase of 1005; 8,280 rooms, an increase of 423 classes. There were 350,631 lower secondary students, represented 68,144 more than the period of 2000-2001; and 112,575 higher secondary students, represented 8,000 more than the period 2000-2001.

Technical, Vocational and Higher Education Training

249. Vocational training aims at bridging the poverty line, targeting especially orphans, widows, the poor, the disabled, demobilized soldiers and youth without hope of continuing their studies at higher education levels. Vocational skills cover the agricultural sector, cultivation, cattle raising, sales services, repair, industrial sector especially garments, textiles, technician training, and the construction sector like construction workers and carving in stone and wood.

250. There are at present twenty-eight technical secondary institutions with 56 vocational skills in which 19 are under the direct management and control of the MOEYS and others are private. Seven out of twelve long-term vocational training institutions with 54 skills are under the control of the MOEYS. Twenty short-term vocational training centers in the provinces are also under the control of the Ministry. Four out of 54 private vocational training schools or classes are currently closed and there are about 15 vocational training classes or schools run by NGOs. The number of students learning in technical secondary classes in 2001-2002 reached 5,144 included 1,221 (23.73%) women students and represented a 2% increase over last year. At the same time, the institutions under the MOEYS trained 1,295 included 71 (5.48%) women students; long-term vocational training classes trained 2,975 students included 526 (17.68%) women, an increase of 35% if compared with the same period last year in which the institutions under the direct control of the MOEYS trained 754 students included 53 (7%) women. Short-term vocational training classes trained 8,950 students, included 4,836 women (54%) and other short-term vocational training classes under an ADB funding project trained 7,502 students, included 3,754 women (50%). The number of 2001-2002 students who passed technical secondary certificate level totaled 985, included 322 women students (32.69%) in which 338 of them (with 7 women) came from the institutions under the control of the MOEYS. 1,050 students including 195 women (18.57%) studied at long-term vocational training level in which 606 men students (no women) came from the institutions under the management of the MOEYS. 8,937 including 7,700 (86%) women students studied for short-term vocational training level in which

13,568 of them came from private and NGOs. Under the ADB funded project there were 5,0267 students, included 2,669 women. The MOEYS has cooperated with several international organizations and local social associations such as GTZ, European Community, APHEDA, SARIKA, LWS, JOEU, Japan and JODC of Japan to provide technical and vocational training courses.

251. In 2001-2002 school year, there were 23 higher education institutions, included 14 private bodies. The MOEYS has turned the Royal Agricultural University into the Public Administration Institute. This year, there are 31,759 scholarship students, included 9,151 (28.8%) women students and 24,408 study-paid students, included 7,250 (29.7%) women students. The MOEYS has drafted a sub-decree for the establishment of post-graduate classes at the Faculty of Law and Economic Science.

Statistics of scholarship and study-paid students learning at higher education institutions
(Training statistics of higher education section in 2001-2002)

No	Higher Education Institutions	Scholarship Students			Fee Paying		
		Total	Women	% Women	Total	Women	% Women
1	Royal University of Fine Arts	725	163	8.57			
2	University of Medical Science	930	280	14.72			
3	Royal Phnom Penh University (Foreign Language University)	2,523	784	41.24	1,270	233	18.30
4	Royal Agricultural University	713	155	16.12	174	18	0.24
5	Veda Maharishi University	424	26	1.36	197	43	0.59
6	National Institute of Management	1,022	297	29.06	9,538	3,800	52.41
7	Cambodian Technology Institute	187	11	0.57	134	9	0.12
8	University of Law and Economic Science	807	216	26.76	3,105	699	9.64
9	Pedagogy University	551	126	22.86			
10	Norton University				4,440	1,091	15.04
11	International Faculty of Cambodia				405	72	0.99
12	Technology and Management Institute	9	4	0.21	981	301	30.68
13	Washington D.C. College				2,863	702	24.50
14	Management and Economic Institute	10	5	0.26	298	74	1.02
15	Management and Law Faculty	1496	360	4.96	N/A	N/A	N/A
16	Vanda Center				190	89	1.22
17	Angkor City Center				73	7	0.09
18	Management and Technology Institute				198		
	Total	8,847	2,301	26.00	19,733	6,198	31.40

These figures show that the number of women students at higher education level is limited if it is compared to the total number of students. (Source: Higher Education Department)

Higher education students rarely abandon their studies because they believe it is foundation for their future careers.

Equality in high school diploma exams, selection exams, higher education-entered exams and winning of scholarships

252. The rate of women students who passed the lower secondary diploma exam in urban areas is 39.93%, in rural areas is 29.43% and is 39% in remote areas. While the rate of women students who passed the higher secondary diploma exam is 39.67% in urban areas, 26.50% in rural areas and none for remote areas.

253. The selection of teachers for kindergarten, primary, lower and higher secondary schools, based on the reports of the Department of Training and Refreshment, are selected under the following conditions:

- Pedagogy students should be of either sex, single, Cambodian citizens, have a good character and be in good health;
- For kindergarten pedagogy students, only women students were selected before 1995-1996, but in the 1995-1996 school year, both-sex pedagogy students have been allowed to register for study;
- In the examination, if the marks are the same, women students will be chosen for entrance into higher education. (The Department of 2000-2001 General Education Exams).

Figure of Female Expertise Officials and Professors by Professional Degree or Diplomas at Higher Education Institutions (1999-2000)

No	Higher Education Institutions	Doctor Degree		Master Degree		Matrices Diploma		Bachelor Degree		Para Medical		Doctor		Pharmacist		Dentist		Engineer	
		T	F	T	F	T	F	T	F	T	F	T	F	T	F	T	F	T	F
1	Royal University of Fine Arts	2	0	24	3	0	0	89	18										
2	Faculty of Medical Science	4	1					15	0	28	0	6	1	4	2	23	3		
3	Royal Phnom Penh University	7	2	67	20	14	3	226	51									7	0
4	Royal Agricultural University	5	1	21	1			101	17										
5	Maharishi Vedic University			1	0			12	1									1	0
6	National Institute of Magt.	3	0	15	3	4	0	53	15										
7	Faculty of Law & Economic Sciences	2	0	12	0	4	0	40	6									1	0
8	Cambodian Technology Institute	1	0	31	4	4	1	24	8									37	7
9	Faculty of Pedagogy	3	0	2	1			76	21	1	0								
	Grand Total	27	4	173	32	26	4	636	137	29	0	6	1	4	2	23	3	46	8

254. In accordance with the above-mentioned figures, female technical experts are still few, particularly in the sectors of agriculture, law and engineering.

255. The Ministry of Education, Youth and Sports has got exactly 89,142 civil servants, (included 31,257 women, represented about 35.06%) in which primary teachers are 36.35%, lower secondary teachers

29.55%, higher secondary teachers 22.73%, primary inspectors 17.46%, lower and higher secondary inspectors 30%, sports teachers 14.05%, medium technicians (specialists) 11.15%, senior technicians (specialists) 15.57% and other "A" staff 8.54%. The Ministry has other staff 29.56% of whom are women. This confirms that the figures of women received higher professional training are still small (according to the records on staff statistics department for personnel in August 2000).

256. In 2001-2002 school year, the MOEYS trained 5,015 all-level teachers in with 1,903 are women (37.94%). Of 189 primary inspectors, 33 are women. Of 80 lower and higher secondary inspectors, 23 were also recruited.

Reform of Textbooks Program

257. Since 1995, the MOEYS has reformed the curriculum at kindergarten and secondary levels in accordance with the international standards with a view to enhancing the quality of education. At the higher education level, the Government obligated the Royal Agricultural University into a Public Administrative Institute as stated in the Sub decree No. 115 RNKR dated 27 December 1999. (See paragraph 286)

258. The mission of the MOEYS remains the improvement of the quality of education at the grassroots level, access by poor citizens to education with equality in all localities, guaranteed qualified and efficient management, and meeting market requirements, linked with national and international cooperation.

259. Part of the reform of the 12-year general education system is the improvement of textbooks. MOEYS has set up four commissions for Khmer literature, science, mathematics, and social studies in which there are 42 (28%) female members.

260. The MOEYS has added democracy, children rights, women rights, sex education, various laws, family education, environment education, live skills and HIV/AIDS to the curriculum.

261. In 2001-2002 school year, the MOEYS also added gender issues, ethnic minorities, and the disabled, as well as pre-vocational skills, into the textbooks of Khmer language and social studies in order to promote gender equality and for other groups.

Equal opportunity to receive scholarships abroad

262. The recruitment of scholarship students to learn abroad is set out below:

- Before 1989, the Recruitment Commission's work was based on:
  - Total score and percentage extracted from the study record book, the assessment of the school directors and
  - Rural students, children of the dead soldiers or disabled veterans, children of the poor, of the senior officials, of the female civil servants;
- In 1990, the Recruitment Commission decided to select candidates based on the results of examinations and if the scores are the same between male and female, the Commission recruits women.

Percentage of Women Students Abroad

Schedule	Post Higher Education	Higher Edu.	Medium	Skilled Worker	Total Percentage
1980	0 (no M+W)	15.78	9.83	18.23	15.9
1981	11.76	23.66	27.02	23.13	24.1
1982	0 (no M+W)	28.31	33.52	27.23	29.6
1983	33.33	23.30	22.54	25.12	23.9
1984	14.28	21.57	29.19	21.40	23.3
1985	0 (no M+W)	20.47	28.74	23.34	23.4
1986	0 (no M+W)	20.28	25.13	30.71	23.2
1987	24.00	18.23	11.23	4.82	17.1
1988	20.00	17.80	25.85	22.22	20.0
1989	26.92	10.93	19.01	22.65	14.8
1990	18.75	10.20	6.42	20.93	11.2
1991	10.00	7.41	8.00	0 (no M+W)	7.50
1992	0 (no M+W)	8.00	0 (no M+W)	0 (no M+W)	8.0
1993	50.00 (2 M and 1 W)	0 (no Women)	0 (no W)	0 (no W)	6.2
1994	0 (no Women)	0 (no Women)	0 (no W)	33.33 (3M+1W)	5.3
1995	25.00	3.57	0 (no W)	0.00 (5M+1W)	5.9
1996	14.28	6.02	0	0	7.01
1997	9.43	3.33	14.28	60.00	8.80
1998	7.69	1.31	14.28	20.00	4.72
1999	10.63	8.82	0	33.33	9.79
2000	10.29	5.98	14.28	14.28	8.20
2001	10.89	5.60	20.00	28.57	9.26
2002	6.66	9.00	0	14.28	7.98
Grand Total	**11.71**	**14.15**	**23.47**	**23.58**	**18.08**

263. Based on the above-said statistics, the number of women students, who received the scholarship of medium and higher education degrees to go and learn abroad, has reduced gradually. (Department of Scholarship)

Addressing Illiteracy

264. Adult literacy rate of the age 15 and above is 37.10% (male 24.7%, female 45.1%). The illiteracy rate is 36.30% (male 47.6%, female 29.2%). Half literacy rate is 26.6% (male 27.7%, female 25.7%). As a result of literacy program for 2001-2002, we have 3,242 classes and 76,051 students of whom 45,663 (60%) are female students. Students attaining literacy certificates were 38,391 of whom 29,582 are females (77%).

- There are 2,841 teachers for literacy program of whom 717 are females (25%).
- There are 405 inspectors.

Equivalent Program

265. Equivalent program (complementary): There is one ordinary complementary school operates for senior high school and four complementary junior high schools and there are 15 schools for senior and junior high schools for out of working hour. In total, there are 1156 students of whom 197 are females. Of 393 junior high school students, 55 are female and of 813 senior high school students, 138 are female.

266. There are 201 students who passed junior high school, of whom 37 are females (55.21%) and 55 students passed senior high school, of whom 16 are female (13.92%). (Report of Non-Formal Education Department)

267. The Ministry of Education, Youth and Sports has opened non-formal education classes run by NGOs in a number of provinces/municipalities for 9000 orphan children, street children, poor children and drug-addicted children in order to facilitate their return to formal education.

268. The Ministry of Education, Youth and Sports has written and complied books on combating trafficking of women and children under the sponsorship of the National Program for Combating the Trafficking of Women and Children at the Mekong sub region and has tested the program in 4 community centers in Takeo, Kampong Speu and Kampong Tom provinces, and Kep municipality.

269. Out of 83,582 who attended vocational skills training in income generation through 50 classes of literacy and vocational training, 39,189 are women, and out of 25,398 who completed the training, only 8,200 are women. There are 49 community centers which run 330 classes and provide around 17 vocational skill training courses such as sewing, hairdressing, motorbike repairing, weaving, knitting, carving, electronic, food processing, pottery, wedding dressing, computer skills, foreign language studies in the following provinces: Siem Reap, Battambang, Rattanakiri, Kandal, Kompong Thom, Kompong Speu, Takeo, Udor Mean Chey, Koh Kong, Kep, Kampong Chhnang, Pursat, Svay Rieng, Kampot, Banteay Mean Chey, Prey Veng and Phnom Penh.

Gender mainstreaming

270. The Ministry of Education, Youth and Sports has carried out the following activities for gender mainstreaming:

- Gender Working Group structure at the ministry level was established in February 2002. A Management and Supervision Committee on Gender was established at the Ministry comprising 13 members from Secretary of State, Under Secretary of State, General Director, Director and Deputy Director of Department. Working Groups on Girls and Working Groups on Gender Capacity Building comprising of 24 members from departments and the Ministry of Women's and Veterans' Affairs are operating. There are 11 gender trainers in the Ministry. A Secretariat on gender issues was established to support this structure and works with a number of partnership organizations (Support and Resources Group);

- Meeting between Gender Working Groups and Partnership Organizations on gender activities in the field of education was held on 12 October 2001 in order to discuss gender activities and funds mobilization. Training for gender trainers was conducted on 14-30 October 2001;

- Training for Working Group of 22 members on girls' education and Working Groups on gender capacity building in education was held on 13-15 November 2001;

- A workshop was held to draft a 2002-2006 Strategic Work Plan from 25 February to 1 March 2002;

- On 7 March 2002 a Round Table discussion on the Management and Supervision Committee on Gender Activities was held at MOEYS to adopt the draft Strategic Work plan for 2002-2006.

271. The Secretariat organized a workshop on the dissemination of the Strategic Work Plan for 2002-2006 for 72 management officials of Provincial and Municipal Education Departments on 15-17 July 2002. Another workshop for 22 Working Group members of the Gender and the Education for All committee on 29-30 August 2002 in order to establish cooperation between Gender Working Groups of Education for All and Gender Working Groups of the Ministry. In accordance with the Sub decree on the Priority Action Plan comprising 11 activities and Prakas on the implementation from the Ministry of Economic and Finance, the MOEYS:

- Reviewed and evaluated gender activities implemented in ESSP/PAP 2001 of the MOEYS on 26-30 August 2002;
- Conducted training on 25-27 September 2002 to all officials at the department level of the Ministry;
- Organized training on 18-20 September 2002 to all officials under supervision of departments of the Ministry;
- In Kandal province, in the cooperation with CARE and funded by UNICEF, Secretariat on Gender and Female Children's Education of the Ministry granted scholarships to 126 female children for completion of their high school in the Loek Dek district.

272. The MOEYS aims to reduce illiteracy rate by 20% within the period of 15 years (2001-2015). This will give many opportunities to all citizens, especially for women in poverty and need, orphans, ethnic minorities at the highland and vulnerable people to have access of education.

Reducing the Rate of Dropout of Women Students

273. In the plan for reducing the dropout rate, the RGC has proposed a strategic project to construct dormitories for girls from remote areas, particularly from the eastern parts of the country, which is considered the poorest zone in Cambodia.

Equal Access in Sports and Physical Education

274. In principle, women have the same access and opportunities as men to participate in sports and physical education. But the traditional values placed on Khmer women to be sweet, gentle, and devoted to family activities creates a gap, which limits their participation in these spheres.

Equal Access in Participation in Training Courses on Health Care (Welfare) and Different Information for Family Happiness Building

275. Specific health education, especially the understanding of HIV/AIDS, health of mouth, teeth and throat, using clean water, birth spacing, personal hygiene for women and families, care of children, has been widely disseminated at schools through the Village Development Committee and the national media. Still the general understanding on these matters is very limited.

Obstacles

276. High dropout from school is one of the major problems. The reasons for dropping out are early marriage, poor living conditions (girls help do housework), sickness or need for long-term medical treatment, widows without careers depend on the labor of their young children, access to clean water, natural disasters like flood and drought; living far from schools like no female toilets and school materials, lacking means of transport, fear of security, poor teaching quality; poor physical infrastructure of schools, lack of teaching resource material and limited scholarships. However, some families think that for girls no need to have higher education.

277. There is a limited number of vocational, technical training centers in the provinces, the absence of motivating courses to encourage students to come and study, lack of improvement of traditional training skills related to the demands of the rural markets, low salaries in the government service and limited educational materials and also obstacles. The monthly wage for instructors, teachers, professors, and scholarship allowances for students is not adequate to meet living costs.

Future Strategies

278. The RGC will take all appropriate measures to eliminate discrimination against women in education providing gender sensitive curriculum, equal opportunity in the examinations, same access to school premises, adequate teaching staff and equipment of good quality. The RGC will further eliminate negative behaviors of roles of men and women at all levels and in all forms of education. It will also guarantee the same opportunity for female students to win scholarships and other study grants and continue its affirmative action policy to encourage them to stay on and complete their basic and higher level education.

279. To reduce the dropout rate of girls, a special budget will be allocated for the construction of dormitories for female students coming from remote areas. Credit will be granted to poor families and rural widows to encourage girls to go to school.

280. The RGC will continue promoting sports and physical education in both formal and non-formal education systems. This work will be done through the daily curriculum for both private and public institutions, media such as radio, television, magazines, newspapers, and posters. The purpose is to effectively execute Government policies especially policy on human resource development.

281. Based on democratic principles, children and youth shall be educated to become good citizens and good workers. The RGC works towards:

- Reduction of illiteracy, promotion of the learning of arithmetic, and the vocational training for girls.
- Eliminate all forms of discrimination against women in education and training.
- Promotion of information and education through magazines targeting students' parents, so that they recognize the importance of girls' education.
- Increasing the numbers of women in management positions in the institutions, departments and offices.
- Promoting the implementation of "One school, one product" especially schools located near the tourist areas, in the light with the Government policy "One village, one product".

I. Future plans of the Ministry of Education, Youth and Sports

II.

282. **Kindergarten**

- Encourage the establishment of kindergartens within primary schools.
- Encourage children who reached pre-school ages, especially those at the age of five in poor and remote areas, to enroll in schools on an equal basis.
- Develop school curriculum for preparatory classes for children at the age of five; and
- Conduct programs for raising awareness of parents on education policy and encouraging them to teach their children at home.

283. **Primary Schools**

- Encourage six-year-old children to enroll in school.
- Reduce the repeated class rate and drop-out rate, especially in grades 1 and 2.
- Encourage disabled children, children of ethnic minorities and poor children to enroll in schools and
- Develop bilingual teaching methodology for ethnic minority children in Rattanakiri province.

284. **Secondary Schools**

- Strengthen education activities and offer students life skills that students can apply in their everyday life and businesses after school, especially in the areas of agriculture, housework and carpentry;
- Strengthen the roles of school directors and communities in the management of schools on the basis of decentralization; and
- Continue to reduce repeating rate and dropping out rate.

285. **Non-Formal Education**

- Provide outside office hour classes for children and youth who dropped out of schools or who have not attended primary and secondary school so that they will have the possibility of returning to formal school and
- Promote and strengthen income-generating programs in education centers or in communities through providing skills, credit and setting up help groups.

286. **Higher Education Activities**

- Push for the drafting of a law on higher education which supports the establishment of a committee to ensure the quality of higher education both in private and public education institutions.
- Establish a mechanism for the recognition of the quality of education through inspection and monitoring the quality of teaching at higher education institutions.
- Strengthen a number of higher education institutions to become public administrative institutes so that they become autonomous in administrative and technical management and transparent for financial management.
- Integrate education programs with credit schemes and establish a mechanism to support education for pre-Bachelor, Bachelor, Master and PhD.
- Develop new skills in accordance with the evolution and the requirements of the labor market and provide job seeking services for students and
- Improve the capacity of officials and professors of higher education institutions through continuously providing them training in the country and abroad.

287. **Technical and Professional Training Activities**

- Promote cooperation between the state, private and non-governmental organizations which are working in the fields of technical and professional training.
- Expand training programs aimed at poverty reduction through providing poor families, widows, disabled people, demobilized soldiers, orphans, poor youth, who have dropped out of general education, the possibility to absorb skills and get jobs.
- Build dormitories for girls who live far away from the training center, especially the poor, disabled and orphans and
- Continue to ensure the quality of training in the development of standard skills, tests, the recognition of accreditations of the training institutions including the development of laws and regulations on management.

288. **Activities on Training and Refresher Course – Training course**

- Continue to conduct training for 4,851 teachers at all levels, of whom 1781 (36.7%) are females.

- Recruit 5,000 more teachers for all levels by giving preference to workable handicapped people, especially females.
- Develop training programs for kindergarten teachers (as set in formula 12+2)
- Update training programs for junior high education teachers.
- Build capacity of school directors in management, communication skills and life skills nation wide.

289. **Refresher Course**

- Cooperate with national and international organizations in order to:
- Conduct training courses on human rights teaching methodology at primary schools and high schools;
- Conduct short course training on HIV/AIDS awareness;
- Conduct training on the use of documents and laboratories for the subjects of physics, chemistry and biology for high school teachers.

290. **Researching Activities on Pedagogy**

- Implement the work-plan on curriculum modernization and launch a policy on school curriculums at local level.
- Seek ways for the decentralization of school curriculums at national and provincial level.

291. **Work-Plan on Gender**

- Prepare action plan to support the strategic plan on gender for a five-year period from 2002–2006.
- Write activity reports for the Commission on Management and Gender of the Ministry of Education Youth and Sports.
- Organize Gender Working Group structure.
- Establish an additional Working Group at the Ministry to be responsible for management and education services.
- Organize workshops to evaluate the scholarship program for female children studying at high schools at Leok Dek district of Kandal province.
- Organize workshops to disseminate the work-plan and activities to the Resources and Support Group on Gender of MOEYS. The above Activity Plan will be expanded for a five-year period: 2002-2006 and will be based on each of the following activities:
  - Monitoring and evaluation of the work-plan, especially various projects related to gender activities;
  - Develop gender policy;
  - Build capacity of gender working group;
  - Set up gender working and training groups at national, provincial and district levels;
  - Expand gender information programs;
  - Conduct roundtable discussion on gender issues in education and girls' education;
  - Provided technical training to the Working Groups and those who prepare work plans at provincial department level;

- **Conduct information dissemination sessions for parents' associations on gender issues and girls' education**

EQUALITY IN EMPLOYMENT

III.

IV. Article 11

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:

(a) The right to work as an inalienable right of all human beings;

i. The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;

ii. The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training.

iii. The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;

iv. The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;

v. The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.

2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:

vi. To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;

vii. To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;

viii. To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;

ix. To provide special protection to women during pregnancy in types of work proved to be harmful to them.

3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.

Paragraph 1

Equality between men and women in employment

292. State shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure the same rights, and prevention of discrimination on the grounds of marriage or maternity by reviewing protective and discriminatory legislation.

293. Cambodia has one of the highest female labour force participation rates in the region (73.50%). The participation rate of females in agriculture, fishing and the economy is 54%. Women comprise 75% in non-agricultural sector and two third in production. A great deal of this labor is in the informal sector. Women are often in low paid, unskilled positions such as beer promoters, or waitresses in restaurants and vulnerable to many forms of exploitation in the workplace.

A. Right to work as an alienable right of all human beings

294. Article 36.1 of the Constitution of KOC states that Khmer citizens of either sex will enjoy the right to choose any employment according their ability and to the needs of the society. According to Article 36.1, all citizens have the right to work according to their ability within both public and private sectors.

The 2003 Statistics from the Secretariat for Public Functions showed that there are 51,581 (32.2%) female civil servants out of a total of 160,189 in public sector. There are 438,800 (42%) female workers out of 1,043,600 in private sector (NIS 2001). Women constitute to 126,631 factory workers (87%) out of 14,184 in 265 factories (Ministry of Social Affairs, Labor, Vocational Training and Youth Rehabilitation-2001). According to the statistics at the Ministry of Planning 2001, about 1,720,000 women are housewives and do housework, which is considered the same value as work outside the home as stated in the Article 36.6 of the Constitution.

B. The same criteria in applying for employment

295. Both sex candidates may be acceptably employed in the civil service framework when they have fulfilled conditions Article No. 11 of the Co-Statute Law on Civil Servants of the KOC. Paragraph 11 of this Article states that priority in the services is given if they are from ethnic minorities, rural people, and women. The Labour Law also guarantees equality of opportunity and equality in employment for men and women.

C. Equal employment opportunity

296. In accordance with Article 36.1 of the Constitution of KOC, women will enjoy the right to choose any employment according to their ability and with the same criteria with men and to the needs of the society.

Women have equal rights to apply to be civil servants and are required to meet the exam requirements according to selected criteria. Each private institution, employer or enterprise owner makes public the job announcement in accordance with the skills required. Women also have the right to apply for jobs according to the established criteria of each company or enterprise.

297. Promotion to higher ranks or grades shall also be exercised on the equal basis for both sex civil servants based on the law on the co-statute of civil servants in the Articles 20 to 32. In practice, women serving in government institutions are evaluated for promotion to higher ranks or grades according to their capabilities. At present, in the second mandate of the RGC, including legislative, executive and judicial bodies, women are given more attention in promotion than in the first mandate (as noted in details in Article 7 of the report). Private sector and enterprise or factory owners promote employees based on the skill of each individual. Women with appropriate skills may be given appropriate positions without any discrimination.

298. Training and investment in human resources are the policy of the Royal Government. The vocational, technical, scientific and professional training for primary, secondary or higher levels to civil servants, pupils, students and others has been being continuously available since 1979 (the liberation day from KR regime) up to now, both inside the country and abroad. Human resource development in the private sector has also made many remarkable developments, especially from local and international non-governmental organizations (NGOs). Women are entitled to enjoy equal training opportunities with men.

299. Public institutions are required to provide enough space, appropriate equipment and facilities. Council for Administration Reform is making an effort to address staff's low salary. Private enterprises and factories must have enough room, toilets, emergency kits, health center, medicines and clean water in their agencies. Workers have to wear masks and gloves while they are working.

D. Equal remuneration for the equal work

300. The Constitution of the KOC stated that, "Cambodian citizens of both sexes are entitled to equal wages for similar jobs (based on Article 36.2)." Men and women are guaranteed a fair wage, overtime payments, commissions, pensions, bonuses and allowances. Women are paid their salary during maternity leave. Minimum wages are guaranteed.

301. Women working as civil servants have rights to equal salaries with men for similar work, positions and technical expertise. Women have the same rights of gaining all working benefits such as pedagogy fees, overtime payment, and health care disbursement. Any male and female civil servants who are working in remote areas are granted a geographical allowance above their net salary. Article 106 of the Labor Law states " For work of equal conditions, professional skill and output, the wage shall be equal for all workers subject to this law, regardless of their origin, sex or age."

302. In 2000, with efforts to resolve proper wages for workers and employees, especially in the field of garments and shoes, the RGC set up a Working Council Commission (WCC) with the participation of all involved parties from the government, employers and workers-employees. The WCC has determined and changed the minimum wage level from $40 in 1997 to $45 per month. After July 2000, monthly and long-term working bonuses are reckoned and paid. A new system of allowances for public civil servants is also being carried out.

Rights to social security (insurance)

303. Article 36.4 of the Constitution of the KOC guarantees rights to social insurance and all social benefits as provided by the law. For civil servants, the RGC has provided, through a Decision #245 SSR dated November 5 1988, a Social Insurance Policy for civil servants, retired persons and to persons who have lost physical working capacity. Retirement age is 55-60 years. Female civil servants have the right of maternity leave for 3 months with full salary (Points 1-4 of the Decision No 245 SSR dated November 5, 1988 of the Council of Ministers). Women in the civil service are entitled to take 15 days off per year with full-wages, plus all other national and traditional holidays.

Whereas, retirement age at enterprises and factories is 55 years and working hours are 8 hours per day or 48 hours per week, in case of emergencies, workers and employees shall work overtime. All overtime work shall be paid at the rate of 50% over the normal payment. All leave is the same for men and women, without any discrimination on the basis of the sex.

In case of the birth of a baby or having an abortion, women are entitled to take days off in order to consult with doctors at health care centers or hospitals.

304. Laws concerning Social Security Schemes for Persons Defined by the Provisions of the Labour Law which were approved by the National Assembly on 15th August 2002, govern pension schemes for old age benefits, invalidity benefits and survivors benefits. It also covers employment risk (employment incident and employment disease) benefits. The system under this Law is managed under the insurance of the National Social Security Fund.

Rights to access to health care and safe working conditions and reproductive role

305. Protection of health and safety of workers and employees are guaranteed by the Labor Law on an equal basis for women and men. However special provisions are made for women: specially health care protection for pregnant women is granted to allow them to take leave for a three-month period. Two months after a delivery, women with young babies shall be given light assignments (Article 182.2 of the Labor Law). At enterprises and factories with at least 100 women employees, Labor Law provides that there be set up a child-care center and a room for breast breeding. (Article #186). Inspection Department of the MOSALVY is responsible for inspecting hygiene and working security in those enterprises, workshops and factories. The department checks health centers, emergency kits, medicines, clean water, cups/glasses for individual workers, toilets, bathrooms and medical check up for workers at the Medical Department for Labor of MoSALVY. In case of not implementing the Labor Law, the person concerned shall face a fine or have the case brought to the court.

306. Article 172 of the Labor Law notes that, "Employers and directors of all organizations, units, establishments or institutions hired workers or subordinates or women in the age under 18 will be responsible and care for their ethical conduct and safeguard sublimity in front of the public. All forms of sexual harassment or discrimination are prohibited." Article 173 of the Labor Law states that women and children are prohibited to do any work that may cause risks or danger because these will permanently affect their health. The law also prohibits women and children from doing risky work and overwork which affects their productive health.

Paragraph 2

A. Prohibition on termination from work or imposition of penalty on the basis of pregnancy or maternity leave and on discrimination on the basis of marriage

307. Article 46.2 of the Constitution prohibits "termination of women's employment because of pregnancy. Women have the right to take maternity leave with full pay and with no loss of seniority or other social benefits." Similar protection is made under the Labour Law, which says that, "The termination to women during the period of delivering is absolutely banned."(Article 182.3)

B. Maternity leave with full payment and other benefits

308. Women in the civil service have three-months' leave for maternity with full payment of wage and allowances. On completion of maternity leave, women perform their normal daily work. Women working at enterprises or factories as mentioned in the Article 1 of the Labor Law are entitled to having a 90-day leave after delivery with half payment and other allowances. These allowances apply only to female employees who have been working over one year (Articles 182 and 183 of the Labor Law). However, women who have been working in enterprises or factories for less than one year may enjoy 90-day maternity leave, at the discretion of management and employers. After the period of three-month maternity leave, women shall be given light work for 2 months (Article 182 of the Labor Law). Women who are civil servants may request their supervisors to change their functions in case of problems with their health.

309. Article 73 of the Constitution of the KOC states that, "The Government pay strong attention to mothers and children. The Government shall provide child-care and assist displaced women with many children." Article 186 of the Labor Law says that, "All directors of enterprises and factories employing over one hundred women shall set up a room for breast-breeding of babies and a child-care center." For any enterprises without a child care center for babies over 18 months old, women workers can send their babies to other child care centers with all expenses paid by employers. Article 219 of the Labor Law notes that, "At any plantations hiring over 100 permanent workers who are living on the plantation, the working inspectors can order employers to establish, prepare or facilitate a child center near their houses in

accordance with the recommendations of medical teams and provincial or municipal governors." Article 222 of the Labor Law reads that, "Any plantations having at least 20 children aged at least 6 years of regular resident workers in the plantation, the employer must construct and maintain at his own expense, a sufficient number of primary schools located close to the workers' housing."

C. Provision of Necessary Social Services

310. The MOEYSs, local and international NGOs and various associations or communities have built a lot of kindergartens with the intention of enrolling children of all people, aimed at giving opportunities for women to participate in all activities of society. At present, Cambodia has an increase of 177 kindergartens across the country, compared with the same period last year. These kindergartens are divided into:

- 923 state kindergartens (including 130 separately located kindergartens and 799 kindergartens located inside the primary schools of the MOEYS).
- One kindergarten owned by the Commerce Department in Siem Reap province.
- Five kindergartens at factories in Kampong Cham province.
- Twenty-five private kindergartens.
- Twenty-nine kindergartens offering morning and afternoon classes.
- Four sub-boarding kindergartens and
- 251 kindergartens at community centers with total classes of 253. At present, the MOEYS is training more kindergarten teachers to support working women.

311. Articles 182 to 186 prohibit employers from laying off women in labour during their maternity leave or at a date when the notice would fall during the maternity leave. Women are entitled to having maternity leave with half payment and other allowances. Breaks for breastfeeding are separate from and shall not be deducted from normal breaks provided for in the labor law, or in internal regulations of the establishment. At any plantations hiring over 100 permanent workers who are living on the plantation, the working inspectors can order employers to establish, prepare or facilitate a child center near their houses. For any enterprises without a child care center for babies over 18 months old, women workers can send their babies to other child care centers with all expenses paid by employers.

In practice, the law enforcement is weak. MoSALVY is preparing a Prakas to take actions in this matter.

D. Special protection for pregnant women

312. The RGC provides grant support to women civil servants doing difficult work. Article 229 and 230 of the Labor Law prohibit women from doing any work that may cause risks or danger, or overwork, because they will permanently affect their reproductive health or miscarriages in case of pregnant women.

Paragraph 3

Law Review

313. The RGC ratified the Convention on the Elimination of All Forms of Discrimination Against Women. The Convention was recognized in Article 31 of the Constitution. Any laws, which are not in harmony with the Convention, cannot be implemented. Constitutional Council was established and is responsible for the review of constitutionality of laws.

Obstacles

314. Enforcement of Labor Law is still weak.

- Some factories in private sector have not been giving pregnant women special care or protection as stated in the law.
- Very few child care centers or breastfeeding centers have been established.
- Lack of strong monitoring of the application of the law.
- Limited awareness raising about rights under the Constitution.

Future Action

315. The Government will take all appropriate measures to eliminate *de facto* discrimination in the field of employment in order to ensure the same rights in employment for women as for men:

- Under administrative and judicial reforms, which the RGC is currently working on, efforts will be made to enforce the Labor Law.
- The RGC will increase employment opportunities for women through development of agriculture.
- Promote dissemination and effective implementation of Law on Social Security.

EQUALITY IN ACCESS TO HEALTH CARE

Article 12

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.

2. Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

Paragraph 1

Access to health care

316. RGC has been making efforts to ensure that women have access to health care on an equal basis with men by removing all legal barriers that obstruct access to health care for all women, including for those whose access is impeded by factors such as disability, illiteracy, or the distance of services from where they live. Women have the right and freedom to access personal health care.

317. The health of the people is guaranteed by Article 72 of the Constitution giving full consideration to disease prevention and medical treatment. Poor citizens shall receive free medical consultation in public hospitals, health care centers and birth delivery clinics. In accordance with the above provision, the Ministry of Health emphasizes prevention and treatment through non-discriminatory health care services and family planning at village, commune and district levels.

318. The Ministry of Health is implementing a range of health care programs especially for women and children that includes reproductive health, nutrition in areas of food insecurity, HIV/AIDS programs and mental health care that

are supported by UNFPA, UNICEF, WHO AUSAID, UNAIDS, WFP and JICA. The Ministry has conducted mental health care programs since 1992. These were designed to focus on mental health care for all and in particular, women victims of domestic violence. Programs are currently being implemented in Battambang, Kampong Speu, Pursat, Banteay Meanchhey and Phnom Penh and are planned to be expanded nation-wide.

319. Birth spacing programs have received support from the villagers and training on birth spacing methods has been conducted for health officers, traditional midwives and women and men in the community. Maternity and childcare activities have gained impetus nation-wide as compared with previous years. National Maternal and Child Health Center of the Ministry of Health, with the support of technical advisors from JICA, UNICEF, WHO, UNFPA and AUSAID, have conducted and expanded public health services in rural areas, specifically targeting mothers at district down to commune levels.

320. There are 8 national hospitals, 24 provincial referral hospitals, 44 referral district hospitals and 812 health centers which provide health services nationwide. Each health service centre provides services to 8,000-12,000 habitants. Specific services for women are available. Of the total of 17 809 medium term technical staff, medicine, dentists, midwives, nurses and experimenters, 7,676 (43%) are women (2001). Among the health services provided, the following services focus on women and children:

- Birth spacing
- Ante-natal and Post-natal care
- Tetanus toxoid vaccination for pregnant women and women in reproductive age
- Immunization for new born and young children
- Follow-up for pregnant women with danger signs
- Safe and hygiene delivery
- AIDS and Sexually Transmitted Disease
- Mental health
- Care for malnourished women and children.

(24th National Conference of the Ministry of Health)

321. There are 393 pharmacy clinics in the country and 621 Depot Pharmacies. Besides the public health sector, private health services are active partners. There are 864 private medical clinics for diagnosis, consultation and treatment, maternity and multi-treatment in the country according to a report at the 24rd Health Conference.

322. Population growth rate is 2.49 percent and fertility rate is 4. Under 15 year old population is 42.8 percent and above 65 year old is 3.7 percent (Demographic and Health Survey 2000). Population reaching the age of 65 for women is 55.8 percent and men is 46.3 percent. (Human Development Report 2002)

323. Maternal Mortality Ratio is 437 per 100,000 live births. The main causes of maternal mortality and morbidity are hemorrhage, including pre-and post-partum hemorrhage, eclampsia, unsafe abortion and its complications (Report 2003, MoH). Inadequate follow-up for pregnant women (only 38 percent of pregnant women were checked, other preferred traditional care) and unsafe delivery are also the main causes of this high maternal mortality.

324. Birth spacing programs have been introduced in Cambodia nation-wide though there is no law limiting the number of children a couple may have. According to DHS 2000, 32 percent of births are unplanned and 24 percent of births are planned. Of 95 percent of women who are aware of contraception, only 19 percent use contraception.

325. According to DHS, 10 percent of pregnant women gave birth in health centers and in hospitals and other women delivered at home in unsafe conditions. Women who are too young or too old are at risk of maternal mortality.

326. The Ministry of Women's and Veterans' Affairs, in collaboration with the Ministry of Health, developed and implemented a reproductive health/birth spacing project aiming at raising awareness of both men and women at central and local levels, in particular in remote areas. This project was supported by UNFPA from 1994 to 1997. Meanwhile, the Ministry of Health has been providing reproductive health services through referral hospitals, health centers and mobile local health services.

327. The Ministry of Health in collaboration with the Ministry of Women's and Veteran's Affairs and three International NGOs: Reproductive Health Association in Cambodia, Partners for Development and Save the Children Fund Australia, began implementing a Community Based Distribution program in eight operational districts. Community Based Distributors are trained to sell pills and condoms in their communities/villages. Community Based Distributors conduct home visits with married women in fertile age groups to provide accurate information and counseling on birth spacing and the prevention of HIV/AIDS, as well as to inform them of the importance of medical check ups during pregnancy and after the birth of a child, safe delivery by trained midwives, immunization, and nutrition. Community Based Distributors also refer women to health centres for ante-natal/post-natal care and safe delivery.

Paragraph 2

Reproductive Health Care

328. The RGC puts high priority on the reduction of maternal and infant mortality and sickness. CDHS 2000 reported that in the last five years (1995-2000), 38 percent of pregnant women received ante-natal care from any trained health personnel (32 percent received care from midwives, 5 percent from a nurse, and only 1 percent from a doctor).

329. The National Maternal and Child Health Center and National Programs focus on the care of mothers and children and seek to ensure safe motherhood to improve women's health care and especially of pregnant women, to undertake at least two medical check-ups per pregnancy where they will be given tetanus vaccinations. Antenatal and post-delivery care content should include detecting danger signs in pregnancy, nutrition, appropriate work of pregnant women, hygiene, healthy behaviors, preparation for deliveries, breastfeeding as soon as possible after delivery, the importance of breast milk/breast-feeding and full immunizations for infants. The Ministry of Health in collaboration with UNICEF has developed easy family health advice and breastfeeding textbooks.

330. The number of pregnant women who received Antenatal care in 2002 was 238,87 and the number of pregnant women who received Tetanus toxoid vaccination in 2002 was 207,341 (24th Conference, MoH). The 2000 CDHS showed that 15 percent of pregnant women received one dose of the vaccine, 30 percent of pregnant women received two or more doses and 54 percent of pregnant women did not receive any dose in the last five years.

331. According to CDHS 2000, in the last five years, only 10% of births took place in a health facility. 89% of babies were delivered at home; 28% of births were attended by trained midwives; and 4% by doctors.

332. The total number of midwives in 2001 was 3,143. They have been trained to provide health care services at referral hospitals and health centres. However, the Ministry of Health projection of the need for midwives for the next five years is 4,050 in both public and private sector. This number shows that there will be a problem of a shortage of around 1,000 midwives in the next five years.

333. Therefore, the Ministry of Health is implementing a short-term strategy to address the midwife shortage by providing and upgrade skills training on midwifery to female nurses who are working at the health centres and is implementing a long-term strategy to increase the number of registered nurse-midwives from 2002 (200 registered nurse-midwives per year). (Source: Human resource Department Ministry of Health - 2002).

334. There are around 8,000 traditional birth attendants (TBA) throughout the country. Trained Birth Attendants (TBAs) assist in deliveries throughout but less participate in antenatal care and post natal care. TBAs are often trusted by communities and women and have a significant role in the communities. However, those TBAs often apply negative traditional practices such as not allowing a mother to breastfeed her baby for two days after the birth, putting harmful substances on the baby's navel, lying the mother on a coal bed that is called *Angpleung* for seven days and limiting healthy food the mother can eat.

335. The National Safe Motherhood Policy has reformulated the TBA's role and set up strategies and activities in a five-year plan. The policy recognizes that TBAs are contributing to the provision of community and maternal health care as a child-birth attendant and link between community and the midwives and detect complications when they may refer women to health centres (midwives). TBA should play a role as a health promoter and encourage women to attend antenatal care, receive tetanus toxoid two times during pregnancy, and provide information on birth spacing, breastfeeding and anemia TBAs often have a role within the private sector, as well as being a link with the public system, through the health centers. If the TBAs are not provided with appropriate training in safer delivery practices, they will continue with many harmful practices. Therefore, TBAs need to be trained to:

- Conduct safe and clean deliveries and reduce harmful practices;
- Detect and refer women with complications during pregnancy, childbirth and in the post-partum period to trained personnel on time; and
- Refer pregnant women to midwives in the health centre for antenatal care. (Source: A TBA case study in three provinces in Cambodia. Ministry of Health/National Reproductive Health Program. March 2001 and Safe Motherhood Policy and strategies. 1997 Ministry of Health/ National Reproductive Health Program.

336. According to CDHS 2000, five percent of women report having an abortion, one percent of women had two or more abortions. Nearly 30 percent of abortions were conducted at home.

337. The National Assembly adopted the Law on Abortion in 1997. Article 4 of the Law on Abortion states that in every case, it is required to have the consent of the concerned pregnant woman for an abortion. Only medical doctors, medium medical practitioners or midwives who are authorized by the Ministry of Public Health may perform the abortion (Article 5)

Article 6 states "Abortion may be carried out only inside public hospitals, health centers or private clinics or maternity units that are authorized by the Ministry of Health. All abortion services authorized by the Ministry of Health are required to have:

- Technical capability for urgent management of every complication due to abortion
- Means of transportation for hospital referral when necessary."

Abortion is carried out only if the pregnancy is less than12 weeks of gestational age. (Article 8). If the pregnancy is more than 12 weeks of gestational age, the abortion is allowed to be performed only under the following conditions:

- If the diagnosis shows that the pregnancy is abnormal, growing unusually or creates a risk to the mother's life;

- If after birth the child will have a serious incurable disease;
- In the case where a woman has been raped, the abortion can be done taking no account of the criteria but it must be requested by the woman if she is more than 18 years old or age or continuously requested by her parents or her tutors if she is under 18 years old.

Decisions shall also be accompanied by an approval of a group of 2 to 3 doctors, as well as the person concerned. Technical conditions for application of this article shall be determined by a Proclamation (Prakas) of the Ministry of Health

338. Law enforcement is still weak. In rural areas, illegal abortion operations are sometimes conducted by a traditional midwife. Because legal education and information is limited, urban women seek abortions by private midwives who have received no formal training.

339. HIV/AIDS epidemic has diversified and multiplied burdens on women as women bear primary responsibility for caring for family member with HIV/AIDS. Since the first prevalence of HIV/AIDS in 1991, it is estimated that 169,000 Cambodians out of 11 millions are living with HIV/AIDs. As of 1998, 2.4 percent of pregnant women, 42.6 percent of commercial sex workers, and 19.1 percent of indirect commercial sex workers were infected with HIV. At the same time as progress has been made on the use of condoms in the sex industry, there is evidence of an increasing incidence in married women. According to KHANA' s report, thirty thousand children were orphans and this number will reach 97,300 in 2006. It was estimated that the prevalence rate in 1997 was 3.9 percent and 2.8 percent in 2001 among population groups aged between 15 to 49 years old.

340. The National AIDS Authority, National Center for HIV/AIDS, Dermatology and Sexually Transmitted Infections and concerned institutions and ministries, in co-operation with national and international organizations, have developed a National AIDS Program to prevent the spread of HIV/AIDS. Education on prevention of HIV/AIDS, strengthening of the 100% condoms use program, multi-sectoral responses and HIV/AIDS awareness raising, especially for women, have been undertaken nation-wide. Home care is being implemented step by step. A pilot project on the prevention of the transmission of HIV/AIDS from mother to child was successfully implemented in the National Maternal and Child Health Center, Calmet Hospital in Phnom Penh and the provincial hospital in Battambang.

341. However, family and social discrimination against people with HIV/AIDS exists. The RGC has included the subject of HIV/AIDS in the teacher training curriculum, and organizes and conducts "HIV/AIDS Day" every year in an effort to eliminate discrimination against people living with HIV/AIDS. The National Policy on Women and Girls with HIV/AIDS and the Law on the Prevention of HIV/AIDS Epidemic have been adopted and are being implemented. In spite of these efforts by the Royal Government, the AIDS National Authority in collaboration with the UN system, multi and bi-lateral agencies, National and International NGOs, the infection rate is still high among the population.

342. The HIV Sentinel Surveillance by National Center for HIV/AIDS, Dermatology and STDs in 2000 showed that:

- The Prevalence of HIV/AIDS among Adults decreased from 3.9% in 1997 to 2.8 % in 2000
- HIV Sero-prevalence among Direct Sex workers: 42.6 % (1998) and 31.5% (2000)
- HIV Sero-prevalence among Policemen: 6.2% (1998) and 3.8% (2000)
- HIV Sero-prevalence among TB Patients: 7.9% (1999) and 6.7% (2000)
- HIV Sero-prevalence among Blood donors: 4.2 % (1998) and 2.7% (2000)
- HIV Sero-prevalence among Pregnant women who attended Ante-natal care: 2.6%(1998) and 2.3% (2000)

343. Thus it can be seen that the number of Cambodians who are infected with HIV has decreased. However, the estimated prevalence rate of 2.8 percent among adults aged 15-49 is still the highest rate in Southeast Asia. Heterosexual intercourse is the main route of HIV transmission in Cambodia. Increasingly, men are bringing HIV infection from sex workers (both direct and indirect) to their own wives (or girlfriends) who then pass the virus to their babies. Women are most vulnerable to the epidemic as men determine sexual relations and refuse to protect themselves and their wives or their partners.

344. Protein Energy Malnutrition is a widespread problem in Cambodia, affecting 45 percent of children aged 6-59 months and at least 20 percent of women. The major cause of this is poverty. By the second year of life, nearly half of Cambodian children are already malnourished (stunted) and micronutrient deficiency is widespread. Generally, children in the rural poor population are more likely to be severely underweight (16%) than those in the rural (6%) and urban (5%) rich population (DHS 2000). Girls in the poor population are the most affected group (19%). It is estimated that two out of three among children under five died as a result of malnutrition (Demographic and Health Report 2000)

345. Among women of childbearing age, low Body Mass Index is reported for 20 percent (DHS 2000). Low birth weight (less than 2500 g), which is an indicator of poor health and nutrition status of mothers leading to poor development or high neonatal and infant mortality, is reported at around 15 percent.

346. Vitamin A Deficiency (VAD) is a public health problem among children and women in many provinces. National data on night blindness among pregnant mother is reported at 8 percent. Vitamin A deficiency is the leading cause of childhood blindness and is indirectly responsible for a large proportion of child morbidity and mortality.

347. Iron Deficiency Anaemia (IDA) prevalence rate in children under 5 years of age is 63 percent; for women the rate is 58 percent and for pregnant women it is higher at 66 percent. It is a factor associated with a high maternal mortality rate. The anaemia in children is highest among the poor. Seventy percent of children of the rural poor are anaemic (DHS 2000).

348. Iodine Deficiency can reduce intelligence by as much as 21 IQ points. The first National Goitre Survey (MOH 1997) reported a projected national average total goiter rate of about 12 percent in the age group 8-12 years, but with some areas having as much as 45 percent total goiter rate. Limited availability or lack of iodized salt for consumption is one of the contributing factors. The data of DHS 2000 showed that 8 percent of the rural poor had access to iodized salt compared with 29 and 39 percent of the rural and urban rich, respectively.

349. The causes of malnutrition are not only food security but also food intake and maintaining, poor health habits, hygiene and environment. National Council on Nutrition of the Ministry of Health has been implementing nutrition programs nationwide with the focus on women.

Obstacles

350. Besides all these measures taken by the Government, "Health for women" is a complicated issue in Cambodia. Women always face higher risk of ill health. They are facing threats to life throughout the life cycle because:

- Health care services are limited for women
- Low priority is placed on the expense of family budget for women's health
- Women are still vulnerable to HIV/AIDS
- The culture of shyness discourage women from having medical check ups or consultation with doctors

- Women's decisions on reproductive health is limited
- Some women are not confident to use contraception
- Lack of means of referring patients, limited equipment and doctors posted at health centers or referral hospitals

Future Action

351. The RGC will be working to overcome obstacles mentioned above and promoting the health status of the population, especially women and children. As stated in the National Poverty Reduction Strategy, the RGC is committed from now to 2015 to:

- Increase more than 30 percent of the health budget from 9 percent in 2001 to 13 percent in 2005
- Increase service delivery to poor people, including reallocating resources in favour of poorer geographical areas
- Enhance the ability of the poor to access health services through the expansion of the health service coverage and utilization increased up to 100 percent
- Increase deliveries by trained health staff from 32% to 46% and promote Contraceptive use from 19% to 27% among women 15-49 years
- Increase exclusive breastfeeding for infants under five months from 5% to 15%
- Increase coverage of fully immunized children from 40% to 60%
- Encourage more children with acute respiratory infection and fever to be referred to health centers from 35% to 45%
- Rate of children with ARI and/or fever brought to a qualified provider increased from 35% to 45%
- Increase Oral Re-hydration Salt (ORS) use among children with diarrhoea increased from 18% to 25%
- Consultation rates of each population per year at public sector facilities increased from 38% to 42%
- Strengthen the delivery of quality basic health services through health centres based upon minimum package of activities (MPA) through outreach and facility-based services especially to poor communities. Women are the ones who need more services.
- Strengthen the delivery of quality care, especially for obstetric and paediatric care, at hospitals in remote areas through complementary package of activities (CPA)
- Reduce HIV infection rates from 2.8% to 2.5% among those aged 15-24 years
- Reduce Iron-deficiency anemia (IDA) among pregnant women from 65% (DHS 2000) to 43%
- Levels of low birth weight (LBW) reduced from estimated 15% to 10%
- Reduce household health expenditures by 50% among poor and vulnerable groups through awareness raising campaigns on the importance of health, birth spacing and family planning, nutrition and rights to abortion
- Levels of malnutrition among women of reproductive age reduced from 21% (DHS 2000) to 15%
- Reduce the proportion of underweight children aged 6-59 months from 45% to 38%
- Eliminate Iodine deficiencies virtually by 2007

EQUALITY IN SOCIAL AND ECONOMIC BENEFIT

Article 13

States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:

(a) The right to family benefits;

(b) The right to bank loans, mortgages and other forms of financial credit;

(c) The right to participate in recreational activities, sports and all aspects of cultural life.

352. RGC is committed to make all efforts to eliminate all forms of discrimination against women in all sectors, including social and economic life in order to ensure, on the basis of equality of men and women, the same rights. The Constitution has guaranteed both sexes the right to participate actively in the political, economic, social and cultural life of the nation (Article 35).

A. Equal rights to family benefit

353. Women and men share equal benefits in the family. Article 29 of the Law on Marriage and Family states that women and men are equal in all aspects in the family.

354. The property owned by husband or wife or by husband and wife for the family, both of them have equal benefit from that property. Sons daughters have equal rights to family property. Wives and husbands have equal rights to common property after marriage.

B. Equal rights to loan, mortgage and financial credit

355. Husband and wife have the right to enter into a contract of loan, mortgage and financial credit. According to Law-Decree No. 38 KRCH dated 28 October 1988 Article 14 on Agreement and Liabilities states "A person at the age of 18 is eligible to enter into an agreement."

356. Women have equal rights with men in bank loan agreements, as well as rights to collateral, rental and sale of their private property except for common property that spouses should discuss and agree with each other on an equal basis. However, most women leave this decision-making to their husbands or fathers. Women's participation in micro credit schemes is discussed under Article 14 of this report.

C. Right to participate in recreational activities, sports and in all aspects of cultural life

357. The Constitution of Cambodia affirms that "citizens of either sex have the same right to participate actively in the political, economic, social and cultural life of the nation" (Article 35). This means that both women and men have equal rights to participate in all cultural and sports activities without any discrimination. Some women have been breaking the taboos and becoming sports persons, popular singers and dancers and at the same time, they are able to preserve the Khmer tradition. For example, among 1078 students enrolled in the University of Fine Arts in the academic year 1993-94, 12.6 percent are female. In architecture, there are 2 female students out of 272 students (According to the State Secretariat for Women's Affairs' 1995 Annual Report). Approximately 35 percent (517) out of 1,478 enrolled students in 2000 in the University of Fine Arts were female. In 1999-2000, 6 female students won scholarships in archaeology in Japan, German and the United States. The Royal Government has been putting greater effort into recruiting more students in sports and fine arts subjects aiming to further their participation in national and international matches.

Obstacles

358. Traditionally, women are too shy to wear sport shorts and are not encouraged to participate in sports by their parents.

Because of poverty, illiteracy and security, women are unable to exercise the rights provided for by the Constitution.

Future Action

359. RGC shall take all appropriate measures to eliminate economic discrimination against women to ensure that women have equal rights to participate in recreational and cultural life. It will take necessary steps to remove legal or social obstacles that affect their participation.

- MoWVA, with assistance from GTZ, will examine laws for their gender bias
- MoWVA and the Cambodian National Council for Women (CNCW) will continue to promote women to exercise their rights
- Continue information dissemination on laws relating to equal rights of men and women.

RURAL WOMEN

Article 14

1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of this Convention to women in rural areas.

2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:

(a) To participate in the elaboration and implementation of development planning at all levels;

(b) To have access to adequate health care facilities, including information, counselling and services in family planning;

(c) To benefit directly from social security programmes;

(d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;

(e) To organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self-employment;

(f) To participate in all community activities;

(g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;

(h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

Paragraph 1

360. The majority of the Cambodian population (85%) live in rural areas and agricultural production constitutes 46.4 percent of the total GDP. Rural women play a significant role in this production and in the economic well-being of their family and community. It has been estimated that women's labor in agriculture and fisheries production is 65% and marketing is 75%. In rice cultivation, women do the sowing, transplant seedlings, harvesting, grow vegetables, raise livestock and produce handicrafts as a part of generating family income.

361. 36 percent of the population lives under the poverty line and most of them are women. Rural women are the majority of the poor. They have more children than city women; they face more health problems and they often cannot access health services because of inaccessibility. Rural women have less access to education and the majority of rural women are illiterate.

362 RGC is taking various measures to eliminate discrimination against rural women and ensure equal rights to participate in and benefit from planning and rural development implementation. The Constitution guarantees opportunities for women, especially to those living in rural areas without adequate social support, so they can get employment, medical care, and send their children to school, and to have decent living conditions (Article 46.3). RGC is also improving the agricultural production system and handicrafts in rural areas aiming at improving their living conditions. Article 61 of the Constitution further states that the State shall promote economic development in all sectors in remote areas, especially in agriculture, handicrafts and industry with attention to policies on water, electricity, roads and means of transport, modern technology and a system of credit.

Paragraph 2

A. Participation in the development planning

363. RGC developed and implemented rural development policies aiming at poverty reduction based on decentralization and deconcentration. This encourages people to participate in the planning and implementation of the development plan in their community in all sectors by themselves directly and via ownership.

364. With decentralization and deconcentration, resources and power have shifted from the central authorities to the local communities. In this process, villagers, including women, are actively involved and are receiving training in development planning, implementation, monitoring and evaluation. This community approach is aimed at encouraging women to be confident, enabling them to make their own decisions, in the hope that they will be able to address problems in their community.

B. Access to health services and information

365. Through rural development, RGC is committed to improving health, education and social services aimed at ensuring better well-being of the people, in particular, people in rural areas. Details are discussed in Article 12 of this report.

C. Social Security

366. RGC is committed to ensuring the social security where people can live in peace morally and materially. Article 36.4 of the Constitution guarantees that Khmer citizens of either sex have the right to obtain social security and other social benefits as determined by law. In the light of the above guarantee, the Law on

Social Security for individuals covered in the provision of the Labor Law was developed and adopted by the National Assembly on 15 September 2002.

D. Access to vocational skill training, and participation in other community activities

367. An increasing number of rural women are participating in local development planning and budgeting for their community's development. Women were encouraged to participate in the training for commune clerks. MWVA is responsible for facilitating and coordinating the integration of gender issues into the Seila program. Provincial Departments of Women's and Veterans' Affairs are represented in Provincial Rural Development Executive Committees to develop policy and design action plans to ensure the promotion and coordination of gender at provincial and district levels. MWVA is conducting a rolling program of capacity building at provincial level and these trainees are expected to carry the training to women at district, commune and village level.

368. Those efforts have brought in remarkable changes in women's roles in development planning and management at all levels. Women constitute 18 percent (9 women) of commune heads in Siem Reap province.

369. MoWVA and NGOs conducted training programs to encourage potential women candidates to stand for election. This was the open door for women to participate in local development planning and implementation. In the end, of the 75,287 candidates, 12,375 (16%) were women, of whom 977 were elected in commune councils.

E/F. The establishment of help groups and community participation

370. As guaranteed by the Constitution, Khmer citizens have the right to establish associations and political parties, and women are eligible to set up solidarity groups to help each other in the community. In practice, community collective and help groups have been established.

G. Credit Programs and agricultural loans

371. In collaboration with the National Bank of Cambodia, Rural Development Bank and other donors, the Royal Government of Cambodia has set down guidelines, principles and a strategic action plan including the following:

- Promote medium and long-term credit services with lower interest rates in order to encourage effective and sustainable widespread micro finance;
- Link products with local and external market demands through the provision of credit to support and develop the products of farmers;
- Provide technical training in effective implementation;
- Enhance a mechanism for collecting local loans and attracting internal and external financial and technical assistance;
- Encourage local authorities to act as facilitators in the cooperation and facilitation with micro finance operations.

372. The Ministry of Rural Development (MRD) credit programs enable farmers to sell their products at appropriate prices, as well as to improve and expand their farming activities. Farmers have been given skills training in agricultural production enabling them to develop appropriate mechanisms in accordance with the family credit provisions. Information about and methodologies for employment creation, goods production and market demands are made accessible for farmers. These provisions help increase

employment in local communities and decrease the numbers of people leaving their community to find jobs in the cities or towns. Local products have been increased through the provision of credit and agricultural materials. Community solidarity and law enforcement has been strengthened.

373. The MWVA, in collaboration with UNICEF from 1985-1995, established and implemented credit programs to improve food security and family income and contribute to improved health and education in 17 of the 24 provinces. Since 1995, MWVA has continued and expanded these programs independent of outside assistance. The number of borrowers has increased from 14,782 in 1995 to 41,909 in 2002 (280% increase), and the loans made in 1995 totaled 883,254,400 riels (US$220,813), while the total was 1,460,325, 200 riels (US$365,081) in 2002 (165% increase). Another aspect of the program is accounting training provided in the 17 provinces to the Village Credit Committees and to the staff at the district level.

374. This credit program was expanded to add a cow bank from 1990 to 1993, in spite of facing many difficulties such as insecurity, theft and flooding. The cow program is managed by the Village Credit Committees in 7 provinces. It had a total of 345 participants in 2002.

375. The overwhelming majority of the beneficiaries were poor women, widows, women victims of domestic violence and women with many children. This is a very good example of sustainability, as well as the capacity of Cambodian women in organizing and managing such programs.

376. The Rural Development Bank is the recipient of a US$20 million loan under the Rural Savings and Credit Program. It distributes funds through Licensed Financial Institutions (LFI) which are of various sizes: the two biggest which distribute around 80% of the funds are ACLEDA and EMT, while smaller ones such as PRASAC, Hatta Kaseker, CRS and World Relief are also involved.

H. Access to decent living conditions

377. RGC is concerned about the need for a comprehensive program of land reform. The Comprehensive Land Policy is focusing on land administration, land distribution and land management. The goal of land reform is to strengthen an effective and transparent land management system. The Comprehensive Land Policy creates an enabling environment for women who are the head of the families to access land for housing and agriculture.

378. Rural women do not have adequate housing. Many households do not have access to clean water. Percentage share of the population with access to safe drinking water in 1999 was 20% for rural people and 69.5% for urban people.

379. Gasoline lamps are used by 86.2 percent of the total rural population, private electricity 6.3 percent, generators 0.9 percent, battery 3.8 percent and other sources 1.5 percent. Approximately 53.6 percent of the urban population uses electricity and the highest consumers are in the Phnom Penh (75.5 percent). Oil lamps are very common in some provinces such as Mundulkiri, Preah Vihear, Rattanak Kiri and Stung Treng. (Source: the 1998 Planning Census Report)

380. Rural populations pay little attention to sanitation. They do not have toilets and they use the nearby fields. People use water from the fields that flows into ponds and rivers for drinking without boiling and washing vegetables without using a virus killing liquid. Diarrhea is often the result.

381. The RGC, in partnership with NGOs, has built 3748 latrines. About 8.6 percent of the rural and 49 percent of urban population have received latrines (Source: the 1998 Planning Census Report). However, few households have access to latrines, for example, Udor Meanchey 2 per cent, Pailin 19.8 percent, Banteay Meanchey 19.9 percent, Sihanoukville 25.2 percent and Phnom Penh 74.9 percent. There are less than 15 percent of the total households in each province which have access to latrines while only 8.6 percent of the

total rural households do. There is a need for awareness-raising about the importance of latrine use. (Source: the 1998 Planning Census Report)

382. Improvement of transportation is one of the Government's priorities. Achievements during the past 12 months by the MRD in partnership with international donors include:

- 9,795 km of red stone road
- 1,677 km of village land road
- 682 drainage pumps
- 344 bridges
- 1,115.65 km of roads have been regularly maintained
- 132,260 villagers were employed
- 2,760 were employed in work for food and
- Others employed on other public works. (2001 report of the MoRD)

383. **Obstacles**

- The implementation of the National Poverty Reduction Strategy is still poor for women in rural areas due to the constraints of national budget.
- Information dissemination is still limited: rural women have limited access to information. Together with traditional restrictions, this restricts development opportunities for rural women.

384. **Future Action**

- The RGC has been implementing the National Poverty Reduction Strategy (NPRS) in order to reduce poverty and increase living condition for rural people. This strategy includes land policy, irrigation, transportation, education, health and credit.

EQUALITY BEFORE LAW AND IN CIVIL MATTERS

Article 15

1. *States Parties shall accord to women equality with men before the law.*
2. *States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.*
3. *States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.*
4. *States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.*

Paragraph 1

Equality before law

385. RGC guarantees equal rights between women and men. Articles 31.2 of the Constitution states that every Khmer citizen is equal before the law, enjoying the same rights, freedom and fulfilling the same obligations regardless of race, color, sex, language, religious belief, political tendency, birth origin, social status, wealth or other status.

386. Women are equal with men in filing complaints. Article 39 of the Constitution prescribes that Khmer citizens shall have the right to denounce, make complaints or file claims against any breach of the law by state and social organs or by members of such organs. The settlement of complains and claims will be the competence of the court. Article 9 of the Law on Criminal Procedures (1993 UNTAC transitional law) stated, "The person who is believed to be injured by an infraction may lodge a complaint along with the prosecution proceedings in order to obtain compensation."

Paragraph 2

Equal right in civil affairs

387. Women and men have equal rights to enter into contracts and take obligations under them Article 14 of Law on Contracts and other Liabilities states "All people who are fully 18 years old can enter into a contract at any time, except detainees as provided in the law." Female adults and widows are entitled to enter contracts at any time without any limitation or restriction whereas, a married woman must have agreement from her spouse to enter contracts related to joint property.

388. Both women and men are equally entitled to have ownership over property. Rights to ownership of property are guaranteed by the Constitution (Article 44). Hence both men and women have equal rights to ownership, individually or collectively and if they are Khmer citizens and Khmer legal entities, they have rights to land ownership.

389. A husband and wife enjoy the equal rights to use, obtain benefits and manage joint property. Article 32 of the Law on Marriage and Family prescribes, "A wife and husband have equal rights to use, obtain benefits and manage joint property." Each of the spouses is entitled to use, obtain benefits and manage his/her own property. Article 36 states "each spouse is allowed to use the joint property in accordance to need." The spouses will supervise the joint property together. Any spouse may demand the other spouse to agree upon any necessary measure to take care of the joint property or keep the joint property safe. The joint property may be sold or given as donation only with the consent of both spouses. (Article37 of the Law on Family and Marriage)

390. While both spouses may agree on paper, there are still some cases where only one of the spouses may be entitled to obtain ownership. The majority of rural women leave this decision to their husbands, as they believe that men are the head of the family so only men should be given this right. Married women often ignore their rights and fail to claim their right to be a shareholder of joint property. As a result, when a divorce occurs, women lose their rights to joint property.

391. Women are equal with men in the court. Article 38.8 states that every citizen shall enjoy the right to defense through judicial recourse. At present time, Penal Procedures, Civil Procedures, Transitional Penal Code and other provisions are practiced in Cambodia. Both women and men enjoy the benefits of those laws on an equal basis. Article 11 of the 1993 Transitional Criminal Procedures states that "The penal action can be exercised against any person in the State of Cambodia without discrimination of race, nationality, religion, sex or social class."

Paragraph 3

Elimination of any laws restricting the enjoyment of women's rights

392. Article 45 of the Constitution states "All forms of discrimination against women shall be abolished". It means that any provisions against women including restricting women's legal rights will be nullified. Article 158 states that laws and legal documents in Cambodia that safeguard State properties, rights, freedom and legal properties of individuals and in conformity with the national interests, shall continue to be effective until changed or abrogated by new texts, except those provisions that are contrary to the spirit of this Constitution.

393. The Constitutional Council has the duty to nullify any laws or provisions, which are contrary to the spirit of the Constitution.

Paragraph 4

Equal rights and freedom to travel and residence

394. Royal Government of Cambodia promotes equal rights of women and men to travel and chose their residence freely within the context of the law. Article 40 of the Constitution states "Citizens' freedom to travel, far and near, and legal settlement is protected. Khmer citizens have the right to travel and settle abroad and return to the country."

395. At the present, Cambodians are free to travel within the country. Settlement as houses involving large schemes needs to be approved by the competent institution. Approval from the local authority is needed for any settlement in small houses involving small schemes in the rural area.

396. Both Khmer women and men are entitled to apply for passports. Khmer women and men who are living abroad are also entitled to apply for Khmer passports.

397. **Obstacles**

- Draft Law on the Prevention of Domestic Violence and the Protection of the Victims is not yet adopted by the National Assembly. Law Against Trafficking of Human Persons is lacking.
- Women ignore their rights due to high rate of female illiteracy.

398. **Future Action**

- Supporting campaigns for dissemination of information about women's legal rights
- Passing the Draft Law on the Prevention of Domestic Violence and the Protection of the Victims and the Draft Law on the Suppression on Trafficking and Exploitation of Human Persons
- Systematic review of existing laws with gender bias.

EQUALITY IN MARRIAGE AND FAMILY LIFE

Article 16

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:

(a) The same right to enter into marriage;

(b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;

(c) The same rights and responsibilities during marriage and at its dissolution;

(d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;

(e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;

(f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;

(g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;

(h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.

2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

Paragraph 1

399. Article 45.3 and 4 states that men and women are equal in all fields especially with respect to marriage and family matters. Marriage will be conducted according to conditions determined by law based on the principle of mutual consent between one husband and one wife. Women have freedom in making decisions related to their marriage and family. These rights are guaranteed and protected by the Constitution as well as by the law.

A. Equal right in marriage

400. Article 4 of the Law on Marriage and Family states "a man and woman reaching legal age have the right to self-determine that marriage. One party may not force another party to marriage against his/her will. No one can be forced to marry or prevented from having marriage as long as such marriage is in compliance with standards provided by this law."

B. Right to choose and decide on the marriage

401. According to the above Article 4 of the Law on Marriage and Family, women and men will enjoy the full exercise in the decision of their partner and marriage as provided by the law.

C. Equal right in marriage and divorce

402. Article 3 of the Law on Marriage and Family stipulates "the marriage is a solemn contract by which a man and woman determine to have sexual intercourse together in accordance with the provisions of law and they cannot dissolve their marriage as they please. Article 14 states "The marriage will be considered legitimate only when a man and woman who voluntarily take each other as husband and wife enter into marriage engagement before the registrar in jurisdiction where that woman resides."

403. A wife will enjoy equal rights with her husband in divorce. Article 39 of the Law on Marriage and Family states "A husband or wife may file a complaint for divorce if there are enough grounds which indicate that he or she cannot continue the conjugal cohabitation." Article 40 states that "A husband and wife may agree to divorce by mutual consent."

D/E. Equal rights and duties for child custody and maintenance

404. A husband or a wife is entitled to take custody of the children, however the interests of each child must be taken into account as more important than any other consideration. Article 115 of the Law on Marriage and Family states "parents have an obligation to love, bring up and take care of their children to develop their spirit of patriotism, love of education, love of work, a spirit of international co-operation and respect for State property, and the rights and property of others."

405. Article 74 of the Law on Marriage and Family stipulates "the divorcing father or mother must support, take care of the upbringing and provide financial support for the children. The amount of child-support shall be determined according to an agreement between the divorcing spouses. In a case where there is no agreement, the People's Court shall determine it according to the capacity of each spouse. Child-support shall be given to the children until they become adult."

406. Article 75 of the Law on Marriage and Family stipulates "a party who does not receive custody of the children has the right to visit his or her children. The party who is entitled to receive custody of the children must make it easy for the other party to visit the children. The party who does not receive custody of the children has the right to file a complaint at any time with the People's Court to revoke the other party's right to custody of the children if the children's interests are violated."

F. Adoption

407. Article 111 of the Law on Marriage and Family stipulates "either spouses may not adopt a child unless there is the consent by the other spouse. In such case, the adopted child shall be the responsibility of both spouses."

408. Article 112 of the Law on Marriage and Family stipulates "to adopt a child, there must be an agreement of the parent or guardian of the adoptee. Guardian and parent have obligations to love and take care their children." (Article 47 of the Constitution of Cambodia and Article 115 and 116 of the Law on Marriage and Family)

G. Equal rights to choose a family name, a profession and an occupation

409. Women keep their family name after marriage and they do not need to change their family name to their husband's. Only a few women whose husbands are high-ranking government officials prefer having their husband's family name next to hers. However, this is an individual preference, not a legal requirement.

410. Women can choose any employment according to their ability and the needs of society. The law also provides for the husband and wife to have the right to freely choose a job and participate in political, cultural and social activities (Article 31 of the Law on Marriage and Family). In practice, a woman is often asked and influenced by her husband to give up her professional job outside the house in order to take care of the children and household work.

H. Rights in Property Management

411. A husband and wife have equal rights in the management of joint property. Article 32 of the Law on Marriage and Family states that a husband and wife have equal rights to use, obtain benefits and manage joint property. Each of the spouses is entitled to use the joint property in accordance to their need. Article

36 says that each spouse is allowed to use the joint property in accordance with their need. The spouses will supervise the joint property together. Any spouse may demand another spouse to agree upon any necessary measure to take care of the joint property or keep the joint property safe.

Article 37 of the Law on Marriage and Family states that the joint property may be sold or given as donation with the consent of the both spouses.

Paragraph 2

Age of Marriage

412. Article 4 of the Law on Marriage and Family stipulates"a man above 20 years and a woman above 18 years have the right to determine their marriage. Marriage under the specified age is prohibited. In special circumstances, where a girl becomes pregnant, with the consent of parents/guardian, marriage can be requested."

413. Article 14 of the Law on Marriage and Family stipulates "the marriage is considered legitimate only when a man and woman, who voluntarily take each other as husband and wife, enter into marriage before the registrar in the jurisdiction where the woman resides. The marriage contract will be recorded on the list of marriage certificate and signed by the registrar, the couple and two witnesses at the legal age of consent."

414. **Obstacles**

- With limited knowledge and understanding of their rights provided under the law, women are often not empowered to exercise and enjoy their rights and let their husbands make decisions for them.
- Due to limited information dissemination on the Law on Marriage and Family, women lack access to information and exercise of their rights.

415. **Future Action**

- Public awareness campaigns on the Law on Marriage and Family directed to both women and men to inform them of their rights and responsibilities, and women's rights nationwide.
- Support for the adoption of the draft Law on the Prevention of Domestic Violence and the Protection of the Victims which was submitted to the National Assembly.

ANNEX

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